

Phonetics,  
Law, and  
English 1  
with  
Tamil Interaction

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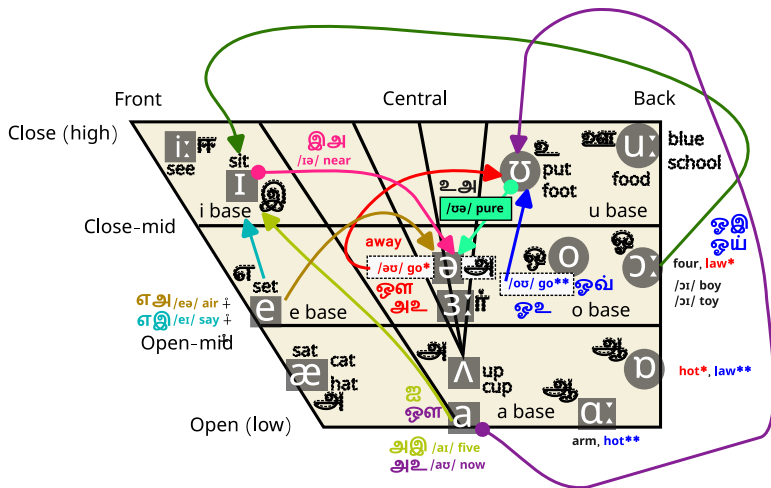
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Rakhesh Jaghadish Lakshmanan



First Edition. November 28, 2024.

Phonetics, Law, and English 1 (TA1A) with Tamil Interaction,  
November 28, 2024



ஒலியியல், சட்டம், மற்றும் ஆங்கிலம் 1 (TA1A) தமிழ்  
தொடர்புடன், நவம்பர் 28, 2024

*Rakesh Jaghadish Lakshmanan (ra:ke:f dʒe:ga:ti:f)*

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***Dedication/ This book is dedicated to the citizens of Tamil Nadu who want to learn phonetics, law, and English. இந்த புத்தகம் மொழிவியல், சட்டம் மற்றும் ஆங்கிலம் கற்க விரும்பும் தமிழ்நாடு குடிமக்களுக்காக அர்ப்பணிக்கப்படுகிறது. By selecting '2 Pages per Sheet and Double-Sided Printing' in your printing settings, you'll be printing four pages per sheet of paper (two pages on each side). For a total of 340 pages, you will need 85 sheets of paper.***

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## Preface (முதப்பு உரை)

Language is one of the most exquisite forms of art, and English is no exception. It serves as a global medium for communication, bridging gaps among people from diverse backgrounds. As technology advances, English has become instrumental in shaping modern society and driving innovation. Its richness and versatility empower individuals to express themselves clearly and effectively.

For learners, the journey begins with keen observation and an earnest desire to acquire knowledge, regardless of the subject. A solid foundation is essential for progress; without it, growth is limited. My passion lies in sharing knowledge freely and generously. This act not only benefits others but also brings me peace and fulfillment in my own life.

I deeply enjoy sharing, editing, creating, and developing text. English is my passion, and I believe that sharing this love can inspire others. Learning is a lifelong endeavor, and each day presents opportunities to absorb both good and bad lessons. However, it is vital to prioritize the positive aspects. Embrace learning with enthusiasm and avoid falling into the trap of laziness. Understand the variations of American English and British English for better understanding.

Encourage the next generation by teaching them English in a structured and coherent manner. Repetition is key; it helps solidify their understanding and practical application. Utilize dictionaries to help grasp the meanings of words, remembering that context can greatly alter significance.

This document has been thoroughly analyzed and simplified to reduce its complexity, introducing a new way of learning. It aims to provide clear, concise information that is easy to understand and apply. By breaking down intricate concepts into manageable parts, this document ensures that learners can grasp and retain the material more effectively.

The goal is to make education accessible and enjoyable for everyone. This resource is designed to support independent learning and to supplement traditional educational methods. Through this approach, we hope to foster a deeper understanding and appreciation of the subject matter.

Please use this document responsibly and respect the effort that has gone into its creation. It is intended for educational purposes only and should not be used for commercial activities.

Preserving facts is my passion. If facts are destroyed, it poses a threat to our country. Facts are more important than the suppression of statements by religious institutions.

During the editing process, each word and clause was analyzed manually. I provided accurate and equivalent Tamil terms for English words.

I have taken great care to ensure that the translations are precise and contextually appropriate. This meticulous approach guarantees that the information is reliable and can be easily understood by learners. My goal is to bridge the language gap and make educational resources accessible to a broader audience.

A single word can have multiple meanings depending on usage, so strive to comprehend each word's context. Additionally, studying phonetics is crucial for mastering pronunciation, which in turn fosters greater proficiency. A human born into this world does not suddenly acquire knowledge; rather, they learn step by step.

In cultivating a love for learning English, we open doors to endless possibilities. Let us empower ourselves and others to communicate with clarity and confidence, for language is not merely a tool but a gateway to understanding one another. Join me in this endeavor, and together, we can promote the beauty and art of the English language without commercial intent—simply as a shared passion.

Linguistics and Phonetics are very important subjects. They should be taught to children early and not later in their higher education.



Without phonetics, a human cannot properly pronounce words. Phonetics is the study of the sounds of human speech, and it provides the tools and knowledge necessary to accurately produce and understand these sounds. Without a foundation in phonetics, individuals may struggle with pronouncing words correctly, which can affect communication.

Phonetics helps us understand how sounds are formed, how they vary between different languages and dialects, and how they can be transcribed using phonetic alphabets like the International Phonetic Alphabet (IPA). This understanding is essential for accurate pronunciation and effective communication.

Another important subject is grammar. Teaching grammar in a child's mother tongue is better and important because, without understanding the meaning of the words, children cannot comprehend them.

Regardless of the language, phonetics and grammar are crucial subjects. These subjects are very important for children to improve their language skills. There is a need for a change in the learning system to teach these subjects in a concise and clear manner.

Language is a very important subject, not just for scoring, but for communication, creativity, and creative thinking. Mastery of a language enables individuals to express their thoughts clearly and effectively. It fosters creativity by allowing individuals to explore and articulate new ideas. Furthermore, strong language skills enhance critical thinking by providing the tools needed to analyze and understand complex concepts.

Creative thinking is very important for society to overcome all kinds of deception and superstition in religious institutions.

Everyone has the right to learn, but the problem is the lack of opportunity. Opportunities should be distributed equally.

There is no poverty on this earth, but sadly, it exists in the minds of some people. That kind of poverty is meant to indoctrinate or keep

them in a particular circle and prevent them from thinking. Indoctrination refers to the process of teaching someone to accept a set of beliefs or doctrines uncritically. It often implies imparting ideas, attitudes, or a particular ideology in a way that discourages questioning or independent thinking. Indoctrination is typically associated with the promotion of political, religious, or cultural beliefs and is seen as a method of control or manipulation.

Education empowers individuals to break free from these mental constraints. It enables them to question the status quo and seek truth beyond imposed beliefs. A society that values and promotes equal educational opportunities can nurture innovative thinkers and problem solvers.

This kind of environment fosters growth, development, and progress. When people are encouraged to think critically and creatively, they are better equipped to face challenges and create positive change. Let's work towards a world where education is truly accessible to all, and no one is held back by mental poverty.

Education should be freely shared and must have wide accessibility. A scientific and factual approach is needed rather than imposing a set of beliefs on children.

Protecting a nation is not only about weapons but also about having a good education system. If you need to make a country better, you must first improve education. Such education must be scientific, real, factual, and not based on a set of beliefs, deception, or fraud.

Teaching children properly about phonetics, linguistics and grammar is very important. These subjects form the foundation of effective communication, critical thinking, and overall language proficiency.

By understanding the sounds of language (phonetics), the structure and meaning of words (linguistics), and the rules that govern language use (grammar), **children can develop strong language skills** that will benefit them throughout their lives. Teaching a third language through the mother tongue is important.

This statement is published in this document under the principle of natural justice and is not intended to criticize anyone.

## **Methods to Identify Equivalent Tamil Terms for English Words**

I would like to share some tips to identify the Tamil meanings of English words or terms.

First step: Deconstruct the words into segments. Use standard English dictionaries to read and understand their meanings. After understanding the meaning, match the Tamil terms with the English words. So, you can easily identify or discover the Tamil term for the English term. This is a kind of basic analytical research.

Additionally, you can use bilingual dictionaries that provide direct translations between English and Tamil. It's also helpful to consult Tamil grammar books and linguistic resources to ensure that the terms you choose are contextually appropriate. Engaging with native Tamil speakers can offer invaluable insights and nuances that dictionaries might miss. Practicing regularly by reading Tamil literature and newspapers can also enhance your understanding and translation skills. Finally, using translation software or online tools can assist in cross-verifying your translations, though manual verification is always recommended for accuracy. I have used various technologies and sources to consolidate information by analyzing it.

ராகேஷ் ஜெகதீஷ் ல

## Common Legal Words (பொது சட்ட சொற்கள்)

Lexicons refer to the collection of words and their meanings within a particular language, field of study, or knowledge domain. It is essentially a language's vocabulary, including words, expressions, and their usage. In linguistic terms, a lexicon encompasses all the words, including their forms and meanings, that are understood and used by a specific language community.

### Segment 1 (பகுதி 1)

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Written Argument, வரைமொழி வாதுரை

## Segment 2 (பகுதி 2)

Argument, வாதம் (Vātham) (Roman alphabet Transcription);  
Synonyms: Debate, Dispute, Discussion, Contention, Disagreement, Controversy.

Logic, தர்க்கம்

Reasoning, காரணம் அறிதல், சிந்தனை, விவேகக்கரமான சிந்தனை, நியாயவியல்,

Reasoning refers to the process of thinking about something in a logical way in order to form a conclusion or judgment. It involves the ability to analyze information, make connections between ideas, and come up with well-thought-out decisions or solutions.

கருத்தொன்று குறித்து தருக்கவியல் முறையில் சிந்தித்து, முடிவு அல்லது தீர்ப்பு வெளியிடும் செயல்முறை 'விவேகக்கரமான சிந்தனை' எனப்படும். இது தகவல்களை பகுப்பாய்வு செய்து, யோசனைகளுக்கு இடையே தொடர்புகளை ஏற்படுத்தி, நன்கு சிந்திக்கப்பட்ட முடிவுகள் மற்றும் தீர்வுகளை உருவாக்கும் திறனை உள்ளடக்கியது.

Text, உரை

Proposition, வாக்கியம், முன்மொழிவு, ஆய்வுப்பொருள்.

The act of offering an idea for consideration.

ஒரு யோசனையை பரிசீலனைக்காக வழங்கும் செயல்.

Simple Proposition, தனி வாக்கியம்

Compound Proposition, தொடர் வாக்கியம்

Complex Proposition, கலவை வாக்கியம்

Statement, அறிக்கை, கருத்து

Premises, மூலக் கருத்துக்கள், அடிப்படை எண்ணங்கள், அடிப்படை வாசகம்

Premises in logic are statements or propositions that serve as the foundation for an argument. These premises are assumed to be true and are used to support the conclusion. An argument typically consists of multiple premises followed by a conclusion that logically follows from them.

தர்க்கத்தின் அடிப்படை கருத்து (அ) வாக்கியம் (மூலக் கருத்து) என்பது ஒரு வாதத்திற்கு அடித்தளமாக செயல்படும் அறிக்கைகள் (கூற்றுகள்) அல்லது முன்மொழிவுகள் (நிகர்த்துகள்) ஆகும். இந்த அடிப்படை கருத்து உண்மை என்று கருதப்பட்டு, முடிவை ஆதரிக்கப் பயன்படுத்தப்படுகின்றன. ஒரு வாதம் பொதுவாக பல அடிப்படை கருத்துக்களைக் கொண்டுள்ளது, அதன் பின் அந்த

வாதத்தின் முடிவாக ஒரு தீர்ப்பு தர்க்கரீதியாக இதனால் கிடைக்கின்றது.

Sentences, வாக்கியங்கள்

Logic, தர்க்கம்

Logic uses propositions to build arguments. An argument is a series of propositions intended to determine the truth of another proposition, the conclusion. Here's a classic logical argument:

All humans are mortal. (Premise)

Socrates is human. (Premise)

Therefore, Socrates is mortal. (Conclusion)

Each premise is a proposition, and together they support the truth of the conclusion through a logical structure.

Logic uses propositions to build arguments. தர்க்கம் வாதங்களை உருவாக்க (கட்டியெழுப்ப) வாக்கியங்களைப் பயன்படுத்துகிறது.

Logic is the study and use of valid reasoning.

தருக்கவியல் என்பது செல்லத்தக்க தருக்கத்தின் ஆய்வும் பயன்படுத்தலும் ஆகும்.

Logic is a systematic reasoning.

தர்க்கம் என்பது ஒரு முறையான சிந்தனை.

Valid Reasoning, செல்லத்தக்க காரணம் அறிதல், காரணம் கண்டறிதல்

Reason, காரணம்

Liquidate, கிரங்கமாக்கப்பட்டது (Kiraṅkamākkappaṭṭatu), நஷ்டமாக்கப்பட்டது (Naṣṭamākkappaṭṭatu).

Liquidation of assests, "சொத்துகளை விறற்றமை" (Sottukaḷai viṛṛamai).

Term, சொல், காலம், பருவம்

Fallacy, பிழை, தவறு, ஏரணம், வாத வழி, போலி

Logical fallacies, அலவையியற் போலிகள், தருக்கப் போலிகள்

Example, Illustration, எடுத்துக்காட்டு

Instance, உதாரணம்

Fallacy of composition, தொகுப்புப் பிழை

Article, அறிக்கை, பெயர் சொற்குறிகள், சரத்து, ஷரத்து, உறுப்புரை

Interpretation, பொருள் விளக்கம்

On the premises, வளாகத்தில்

Major Statement, முக்கிய (அல்லது) பிரதான கூற்றுகள்

Minor Statement, சிறு கூற்றுகள்

Sort, வரிசை படுத்து



Ascending, மேல்நோக்கி போகாதல் (a to z)

Descending order (z to a)

Articles (a, an, the)

Logic uses propositions (நிகர்த்துகள்) to build arguments (வாதங்கள்). An argument is a series of propositions intended to determine the truth of another proposition, the conclusion. Here's a classic logical argument:

All humans are mortal. (மூலக் கூற்றுக்கள்)

Socrates is human. (மூலக் கூற்றுக்கள்)

Therefore, Socrates is mortal. (தீர்மானம்)

Each premise (மூலக் கூற்றுக்கள்) is a proposition, and together they support the truth of the conclusion (தீர்மானம்) through a logical structure.

Material Fallacies, ஆவணப் பிழைகள்

Material, ஆவணம், உள்ளடக்கம்

Book, புத்தகம்

### Segment 3 (பகுதி 3)

The list of Chennai District Courts and Sessions Judges is as follows:

சென்னை மாவட்ட சார் நிலை நீதிமன்றங்கள் மற்றும் நீதிபதிகளின் அமர்வுகளின் பட்டியல் வருமாறு:

Sessions of Judges, நீதிபதிகளின் அமர்வுகள்

1st Fast Track Court, 1 வது விரைவு நீதிமன்றம்

District Judges, மாவட்ட நீதிபதிகள்

Principal District Judge, முதன்மை மாவட்ட நீதிபதி

1st Additional District Judge, 1 வது கூடுதல் மாவட்ட நீதிபதி

Additional District & Continuing Trial (Session) Judge, கூடுதல் மாவட்ட & தொடர் விசாரணை (அமர்வு) நீதிபதி

2nd Fast Track Court, 2 வது விரைவு நீதிமன்றம்

Continuity (தொடர்ச்சி)

Chief Judicial Magistrate, தலைமை நீதிமுறைமை (நீதித்துறை) நடுவர்

Chief Justice, தலைமை நீதிபதி

Principal Sub Judge, முதன்மை சார் நீதிபதி

1st Additional Sub Judge, 1 வது கூடுதல் சார் நீதிபதி

In Tamil, "சார்" (Saar) can mean "subordinate" or "assistant". It is often used to denote someone who holds a secondary or supporting

position, such as in the term முதன்மை சார் நீதிபதி (Mudhanmai Saar Neethipathi), which means Principal Sub Judge.

2nd Additional Sub Judge, 2 வது கூடுதல் சார் நீதிபதி

Judges (Junior), நீதிபதிகள் (இளநிலை)

Judges (Senior), நீதிபதிகள் (முதுநிலை)

Junior and Senior Judges, இளநிலை மற்றும் முதுநிலை நீதிபதிகள்

Principal District Munisif, முதன்மை மாவட்ட முன்சீப் (நீதிமான்)

1st Additional District Munisif, 1 வது கூடுதல் மாவட்ட முன்சீப்

Munisif, an Arabic term (Tamil term, நீதிமான்)

1st Judicial Magistrate, 1 வது நீதிமுறைமை நடுவர்

2nd Judicial Magistrate, 2 வது நீதிமுறைமை நடுவர்

3rd Judicial Magistrate, 3 வது நீதிமுறைமை நடுவர்

3rd Fast Track Court, 3 வது விரைவு நீதிமன்றம்

Sub Judge, சார் நீதிபதி

Junior Civil Judges, உரிமையியல் நீதிபதிகள் (இளநிலை) or இளநிலை உரிமையியல் நீதிபதிகள்

Senior Civil Judges, உரிமையியல் நீதிபதிகள் (முதுநிலை) or முதுநிலை உரிமையியல் நீதிபதிகள்

Judicial Magistrate, நீதித்துறை நடுவர், நீதிமுறைமை நடுவர் Court, நீதிமன்றம்

Courts, நீதிமன்றங்கள்

Chennai District Sub-District Courts are the judicial organs of the Chennai District and its surrounding towns and villages in Tamil Nadu.

சென்னை மாவட்ட சார் நிலை நீதிமன்றங்கள் தமிழ்நாட்டின் சென்னை மாவட்டத்தினதும் அதன் சுற்று நகர மற்றும் கிராமங்களின் நீதிமுறைமைகளை செயல்படுத்தும் மன்றங்கள் ஆகும்.

Towns, நகரங்கள்

Town, நகரம்

Village, கிராமம்

Civil, உரிமையியல்

Criminal, குற்றவியல்

Etymology, Study of Words, சொல்லியல், சொற்கள் ஆய்வு

Exclusive editing typically refers to the process of carefully reviewing, revising, and refining content or text, ensuring that only one person or a select group has the authority and responsibility to make edits. This approach can be useful for maintaining a consistent voice, style, or quality in the document or project.

"Working out a problem" refers to the process of solving or finding a solution to an issue, challenge, or question. It typically involves several steps, including identifying the problem, breaking it down into manageable parts, analyzing each part, and then applying appropriate methods or strategies to resolve it.

உச்சரிப்பு குறியீடு (Uccarippu Kuṛiyīṭu): "Pronunciation symbol."

ஓசை குறியீடு (Ōcai Kuṛiyīṭu): "Sound symbol."

சொற்கள் குறியீடு (Sor̥kaḷ Kuṛiyīṭu): "Word symbols."

உச்சரிப்பு எழுத்து (Uccarippu Eḷuttu)

Phonetic transcription, or பேச்சு ஒலி குறியீடு in Tamil, is a visual representation of speech sounds, helping to capture their pronunciation. This term beautifully encapsulates the essence of transcription in the context of phonetics.

Comparison, உபமை

***Add the words and equivalent Tamil words if needed.***

### Basic: Phonetic Voice Chart

Before you start learning the book thoroughly, first learn the basics given here. Also, familiarize yourself with the Tamil terms in the Common Legal Words section. This way, you won't get confused while reading.

Phonetic Voice Chart represented in a square-shaped format with phonetic symbols.

	Front	Central	Back
High	i (ee)		u (oo)
Mid	e (ay)	ə (uh)	o (oh)
Low	æ (a)	a (ah)	ɑ (aw)

In standard phonetic charts, there is no central high vowel commonly recognized. Central vowels typically occupy the mid and low positions.

**This chart categorizes vowels based on their position in the mouth:**

- (1) High vowels are produced with the tongue (நாக்ஞு) positioned high in the mouth.
- (2) Mid vowels have the tongue positioned halfway between high and low.
- (3) Low vowels are produced with the tongue positioned low in the mouth.
- (4) Front, Central, and Back refer to the position of the tongue from the front to the back of the mouth.

**Important Note:**

**Pronunciation (உச்சரிப்பு (Uccarippu)):** The way in which a word or a language is spoken. A word's pronunciation is made up of its syllables articulated in sequence. Syllables are thus essential components of pronunciation, but they are not the same thing.

**A monophthong** (ஒற்றை ஒலி) is indeed a **single, pure vowel sound** in which the tongue does not move; it stays fixed in one position throughout the duration of the vowel.

**A diphthong** (இரட்டை உயிர் எழுத்து ஒலியின் கலவை) is a combination of two vowel sounds within the same syllable, and the first vowel in a diphthong is not always long. The length of the vowels in a diphthong can vary depending on the specific diphthong and the language. ஏய் (ēi) stands out with its long initial vowel. A diphthong is indeed a combination of two vowel sounds within the same syllable.

**Diphthong** (இரண்டு ஒலிகளை சேர்த்து மென்மையாக ஒற்றை ஒலியில் உச்சரிக்க வேண்டும்) refers to a complex vowel sound that begins with one vowel and glides smoothly into another within the same syllable. Essentially, it combines two vowel sounds into a single syllable.

**A syllable** is a unit of organization for a sequence of speech sounds. It typically contains a vowel sound and may include surrounding consonant sounds. **Syllable** (ஒற்றெழுத்து (Oṭṭreluttu)): A single, unbroken sound of a spoken or written word. For example, "cat" is one syllable, and "apple" has two syllables.

In a diphthong, the vowel sounds glide (மென்மையான மாறுபாடு) from one position to another within the same syllable, creating a smooth transition. Here are a couple of key points about diphthongs:

**Vowel Combination:** Diphthongs involve a transition from one vowel sound to another within the same syllable, but this does not necessarily mean that the first vowel is long.

**Glide:** The first vowel sound smoothly glides into the second vowel sound. This glide can start from a shorter or less prominent vowel and move to a more prominent one, or vice versa.

### Examples:

/aɪ/ as in "buy"  
/eɪ/ as in "day"  
/aʊ/ as in "cow"  
/oʊ/ as in "go"  
/ɔɪ/ as in "boy"

In these examples, the vowel sounds blend together seamlessly within a single syllable.

When two vowel sounds occur within the same syllable, it means they are pronounced together without a break, forming a single cohesive sound unit.

**Syllable:** The basic unit of speech sound that typically includes a vowel sound and may include surrounding consonants. For example, the word "cat" has one syllable, while the word "butter" has two syllables ("but-ter").

### Diphthongs in the Same Syllable:

In a diphthong, the two vowel sounds blend seamlessly within a single syllable, creating a smooth transition from one vowel to the next without pausing. For example:

/aɪ/ as in "buy": The sound starts with an /a/ and glides into an /ɪ/, forming one syllable.

If you see the visual phonetic voice chart below, it shows the equivalent or similar sounds of the respected IPA symbols of English in Tamil letters. This means I have provided the Tamil sound letters that I analyzed.

This chart visually represents phonetic sounds using the International Phonetic Alphabet (IPA), which is a standardized system of phonetic notation.

The chart shows how each IPA symbol used in English pronunciation corresponds to a similar or equivalent sound in Tamil letters. These are the standard IPA symbols that denote specific sounds in English. For example, /æ/ represents the vowel sound in the word "cat," and /tʃ/ represents the consonant sound in the word "chill."

Tamil is a classical language with its own unique script. The chart identifies Tamil letters that produce sounds equivalent or similar to the IPA symbols used in English.

It means that you have carefully studied and identified which Tamil letters correspond to the sounds represented by the IPA symbols for English.

### **Example**

If we consider the English word "boy" with the IPA transcription /bɔɪ/:

The IPA symbols /b/ and /ɔɪ/ are matched with the equivalent or similar Tamil letters that produce the same or very close sounds.

So, the chart essentially helps in understanding how the sounds of English words (as per IPA) can be pronounced using Tamil letters. This is particularly useful for speakers of Tamil who are learning English or need to understand the phonetic similarities between the two languages.

A diphthong is a complex vowel sound that starts with one vowel and smoothly glides into another vowel within the same syllable. This creates a single, cohesive sound.

A diphthong is a complex vowel sound that begins with one vowel sound and smoothly transitions into another vowel sound within the same syllable. This seamless glide from one vowel to another creates a single, cohesive sound unit. Diphthongs are common in many languages, including English and Tamil.

## Components of a Diphthong:

**Starting Vowel (First Element):** This is the initial vowel sound in the diphthong. It can vary in length and quality.

**Glide:** The smooth transition between the first and second vowel sounds.

**Ending Vowel (Second Element):** The second vowel sound in the diphthong, which the glide leads into.

## Examples of English Diphthongs:

/aɪ/ as in "buy"

/eɪ/ as in "say"

/aʊ/ as in "cow"

/oʊ/ as in "go"

/ɔɪ/ as in "boy"

**Tamil Terms for Diphthongs:** In Tamil, diphthongs are also present, and they can be represented by combinations of vowels. Here are some examples:

**அய் (ai):** This represents a glide starting with "அ" (a) and transitioning to "இ" (i), similar to the diphthong /aɪ/ in English.

**ஓய் (oi):** A glide from "ஓ" (o) to "இ" (i), similar to the diphthong /ɔɪ/ in English.

**ஏய் (ei):** A glide from "ஏ" (e) to "இ" (i), similar to the diphthong /eɪ/ in English.

In a diphthong like ஏய் (ēi), the first element ஏ (ē) is a long vowel, and it smoothly transitions to the second element இ (i), which is a short vowel. This seamless glide from the long vowel to the short vowel creates a cohesive sound unit within the same syllable.



This principle applies to other diphthongs as well, where the first vowel might be longer in duration, followed by a smooth transition to a second vowel sound, resulting in a diphthong.

ஏ (ē) is indeed a long vowel. It is pronounced with a longer duration compared to its short counterpart எ (e). So, the diphthong ஏய் (ēi) starts with a long vowel sound "ஏ" before transitioning into the short "இ (i)".

**ஒள (au):** Represents a sound close to the diphthong /aʊ/ in English.

These glides in Tamil create smooth transitions between vowel sounds, just like diphthongs in English.

### **British and American Transcription for "Go"**

In British English, the transcription for the word "go" is /əʊ/. This diphthong starts with the schwa sound ə and glides to ʊ. The closest representation in Tamil would be ஒள (au), where அ transitions smoothly to உ.

In American English, the transcription for "go" is /oʊ/. This diphthong starts with o and glides to ʊ. In Tamil, this can be represented as ஒஉ, starting with ஒ and smoothly gliding to உ.

Transcription (உச்சரிப்பு எழுத்து / குறியீடு அல்லது ஒசை குறியீடு அல்லது சொற்கள் குறியீடு) in the context of phonetics is the visual representation of speech sounds. When we talk about the transcription of sounds, we refer to how a word is written to capture its pronunciation.

Phonetic transcription, or பேச்சு ஒலி குறியீடு in Tamil, is a visual representation of speech sounds, helping to capture their pronunciation. This term beautifully encapsulates the essence of transcription in the context of phonetics.

Transcription, in the context of phonetics, is often referred to as phonetic transcription. It visually represents the sounds of speech using symbols from the International Phonetic Alphabet (IPA).

So, பேச்சு ஒலி குறியீடு (Pēccu Oli Kuṛiyīṭu) can be used interchangeably with phonetic transcription to describe the process of capturing and representing speech sounds.

### **British English Transcription**

/əʊ/: "go", "no", "so"

These words start with the schwa sound ə and glide to ʊ.

**Closest Tamil representation:** ஒள (au).

### **American English Transcription**

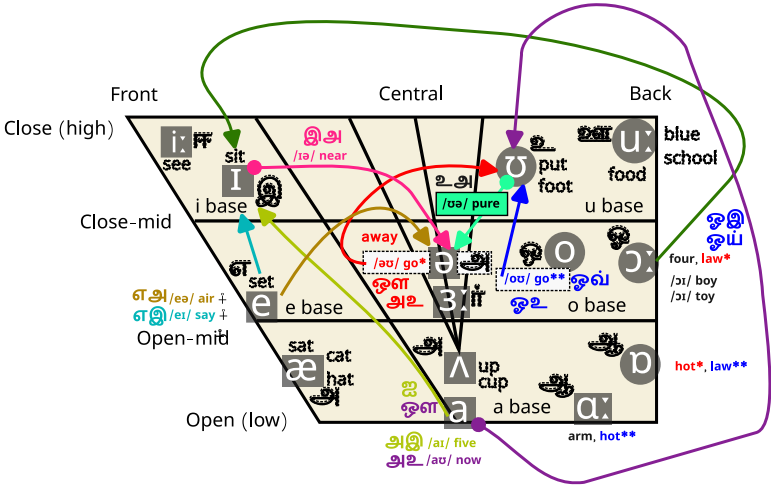
/oʊ/: "go", "no", "so"

These words start with o and glide to ʊ.

**Closest Tamil representation:**

ஒஉ, starting with ஒ and gliding (இழைவியக்கம்) to உ.

**Main Figure: Visual Phonetic Voice Chart (Exclusive editing by Rakesh Jaghadish Lakshmanan)**



**Note 1:** Blue-colored words with double stars \*\* should be pronounced with the **ɒ**, **ɑ:** sound only in American Transcription.

**Note 2:** Red-colored words with single star \* should be pronounced with the **ɒ**, **ɔ:** sound only in British Transcription.

**Note 3:** Educated British speakers pronounce the vowel in "go" in a variety of ways between /əʊ/ (British) and /oʊ/ (American)

**Note 4:** ‡ usually transcribed as /e/ in dictionaries.

**Note 5:** \*\* Words like "law" are usually transcribed with /ɔ:/ in American transcriptions; also, note that many American speakers pronounce "hot" and "law" with the same vowel (usually slightly rounded).

■ This grey square represents an unrounded vowel.

⋮ a colon (:) is used to represent a long vowel.

● This grey circle represents a rounded vowel pronounced with rounded lips.

**Unit – 1 (இயல் 1)**  
**Prose (உரைநடை)**

**1. Prose (உரைநடை)**

Prose refers to a style of writing that does not follow a structure of rhyming or meter. It is characterized by a grammatical structure using words to compose phrases that are arranged into sentences and paragraphs. Prose is commonly used to directly communicate concepts, ideas, and stories to a reader. It follows a more conversational and natural flow of writing, which is most common in fictional and non-fictional literature such as novels, magazines, and journals.

**Prose is a style of writing that uses a grammatical structure to convey ideas and stories in a straightforward and conversational manner, without adhering to the structures of rhyme and meter found in poetry.**

உரைநடை என்பது ரைமிங் அல்லது மீட்டரின் கட்டமைப்பைப் பின்பற்றாத எழுத்து பாணியைக் குறிக்கிறது. வாக்கியங்களாகவும் பத்திகளாகவும் வரிசைப்படுத்தப்பட்ட சொற்றொடர்களை உருவாக்க சொற்களைப் பயன்படுத்தும் இலக்கணக் கட்டமைப்பால் இது வகைப்படுத்தப்படுகிறது. உரைநடை பொதுவாக ஒரு வாசகருக்கு கருத்துக்கள், கருத்துக்கள் மற்றும் கதைகளை நேரடியாகத் தெரிவிக்கப் பயன்படுகிறது. நாவல்கள், சஞ்சிகைகள் மற்றும் சஞ்சிகைகள் போன்ற கற்பனை மற்றும் கற்பனை அல்லாத இலக்கியங்களில் மிகவும் பொதுவான எழுத்து ஓட்டத்தை இது பின்பற்றுகிறது.

**Prose can be divided into different types, including:**

- 1. Nonfictional Prose:** This type of prose includes factual and informative writing, such as essays, biographies, and news articles.
- 2. Fictional Prose:** This type of prose includes imaginative and creative writing, such as novels, short stories, and plays.

**3. Prose Poetry:** Prose poetry is a composition in prose that has some qualities of a poem. It combines the elements of prose and poetry.

**4. Heroic Prose:** Heroic prose refers to prose that is used to narrate heroic or epic stories

**Definitions (வரையறைகள்):**

**Text** refers to any written or printed material in a general sense. It encompasses all forms of written documents, including prose, poetry, articles, essays, and more.

**உரை** என்பது எழுதப்பட்ட அல்லது அடிப்படிக்கப்பட்ட உருப்படிகளைக் குறிக்கிறது. இது பொதுவாக எழுத்துரு அல்லது ஆவணங்களின் வடிவத்தில் காணப்படும்.

**Prose** is a form of language that exhibits a grammatical structure and a natural flow of speech, rather than a rhythmic structure (as in traditional poetry). It's used for ordinary communication and expression in both writing and speaking.

**உரைநடை** என்பது வழக்கமான எழுத்துரு அல்லது பேச்சு முறையாகும். இது பொது விஷயங்களை தெளிவாகவும் விரிவாகவும் விளக்கவும் பயன்படுத்தப்படுகிறது. உரைநடையில் காணப்படும் முக்கிய அம்சம் தெளிவாகவும் சரளமாகவும் உரையாடுவது.

## 1.1. The Divisions of the Law (சட்டத்தின் பிரிவுகள்)

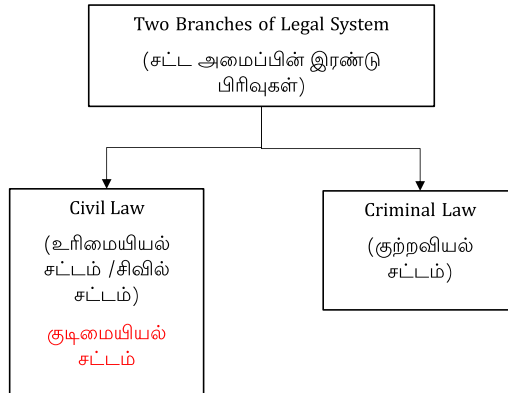
### Titles or Topics or Synopsis

- (1) Introduction
- (2) Distinction between crime and civil law
- (3) The Classification of Civil Wrongs
- (4) Substantive and Adjectival Law
- (5) The title of case
- (6) Courts with Civil Jurisdiction
- (7) Courts with Criminal Jurisdiction
- (8) Conclusion

### 1.1.1. Introduction

Law is the backbone of society and a catalyst for transformation. It enhances understanding of public matters, improves communication and argumentation skills, and provides insight into societal values. Additionally, law regulates behavior and upholds moral standards.

The basically the law can be classified into two Branches of Legal System: (1) Civil Law (உரிமையியல் சட்டம்) (2) Criminal Law (குற்றவியல் சட்டம்)



**Figure #1: The Two divisions of Law (சட்டத்தின் இரண்டு பிரிவுகள்)**

Law can be defined as a system of rules and guidelines that are created and enforced through social or governmental institutions to regulate behavior. It serves multiple purposes, including maintaining order, protecting individual rights and freedoms, promoting social justice, and resolving disputes. Laws can be enacted by legislatures, derived from judicial decisions, or based on customs and conventions. They can vary widely by jurisdiction and encompass a wide range of areas, including criminal law, civil law, administrative law, and international law. In essence, law provides a framework for social order and helps balance the interests of individuals and the community at large.

**(1) Civil Law (உரிமையியல் சட்டம்):** Civil law deals with disputes between individuals, organizations, or between the two, in which compensation is awarded to the victim. It encompasses areas such as contracts, property law, family law, and torts.

**சிவில் (அ) உரிமையியல் சட்டம்:** சிவில் சட்டம் என்பது தனிநபர்கள், அமைப்புகள் அல்லது இரண்டிற்கும் இடையிலான தகராறுகளைக் கையாளுகிறது, இதில் பாதிக்கப்பட்டவருக்கு இழப்பீடு வழங்கப்படுகிறது. இது ஒப்பந்தங்கள், சொத்துச் சட்டம், குடும்பச் சட்டம் மற்றும் டோர்ட்ஸ் போன்ற பகுதிகளை உள்ளடக்கியது.

**(2) Criminal Law (குற்றவியல் சட்டம்):** Criminal law focuses on behavior that is considered to be an offense against the public, society, or the state, even if the victim is an individual. It involves prosecution by the government of a person for an act that has been classified as a crime.

**குற்றவியல் சட்டம்:** பாதிக்கப்பட்டவர் ஒரு தனிநபராக இருந்தாலும், பொதுமக்கள், சமூகம் அல்லது அரசுக்கு எதிரான குற்றமாகக் கருதப்படும் நடத்தை மீது குற்றவியல் சட்டம் கவனம் செலுத்துகிறது. இது குற்றமாக வகைப்படுத்தப்பட்ட ஒரு செயலுக்காக ஒரு நபரின் மீது அரசாங்கத்தால் வழக்குத் தொடரப்படுவதை உள்ளடக்கியது.

**Distinction – வேறுபாடு; law – சட்டம்; Crime – குற்றம்; between – இடையில்**

(3) **Constitutional Law** (அரசியல் அமைப்புச் சட்டம் அல்லது அரசமைப்புச் சட்டம்): Constitutional law refers to the body of law that defines the relationship between different entities within a state, namely the executive, the legislature, and the judiciary. It also includes fundamental rights and freedoms.

(4) **Administrative Law** (நிர்வாகச் சட்டம்): Administrative law governs the activities of administrative agencies of government. It includes rulemaking, adjudication, or enforcement of specific regulatory agendas.

(5) **International Law** (சர்வதேச சட்டம்): International law deals with relations between nations and international organizations. It covers areas such as treaties, diplomatic immunity, and human rights laws.

(6) **Corporate Law** (நிறுவனச் சட்டம்): Corporate law focuses on the formation and operations of corporations. It includes issues related to corporate governance, corporate finance, and mergers and acquisitions.

(7) **Labor Law** (தொழிலாளர் சட்டம்): Labor law regulates the relationship between employers, employees, and trade unions. It encompasses issues such as employment contracts, workplace safety, and collective bargaining.

(8) **Tax Law** (வரிச் சட்டம்): Tax law governs the levying and collection of taxes. It includes regulations related to income tax, corporate tax, property tax, and international taxation.

வரிச் சட்டம் வரிகளை விதிப்பதும், சேகரிப்பதும் ஆகியவற்றை நிர்வகிக்கிறது. வருமான வரி, நிறுவன வரி, சொத்து வரி, சர்வதேச வரிவிதிப்பு தொடர்பான விதிமுறைகள் இதில் அடங்கும்.

(9) **Environment Law** (சுற்றுச்சூழல் சட்டம்): Environmental law deals with regulations aimed at protecting the natural environment. It covers areas such as pollution control, conservation of natural resources, and sustainable development.



(10) **Intellectual Property Law** (புலமைச் சொத்துரிமைச் (அறிவுசார் சொத்து) சட்டம்): Intellectual property law protects creations of the mind, such as inventions, literary and artistic works, designs, symbols, names, and images used in commerce.

These divisions provide a framework for understanding the multifaceted nature of legal systems across different jurisdictions and contexts.

இந்த பிரிவுகள் பல்வேறு அதிகார வரம்புகள் மற்றும் சூழல்களில் சட்ட அமைப்புகளின் பன்முக தன்மையைப் புரிந்துகொள்ள ஒரு கட்டமைப்பை வழங்குகின்றன.

**1.1.2. Distinction between crime and civil law:** குற்றவியல் மற்றும் சிவில் (அல்லது) உரிமையியல் சட்டத்திற்கு உள்ள வேறுபாடு:

The distinction between a crime and a civil wrong is not based on the nature of the wrongful act itself. Many times, the same act can be considered both a crime and a civil wrong. For example, if a cloak room employee steals a bag entrusted to them, they commit the crime of theft and two civil wrongs: the tort of conversion and breach of contract. This means that two types of legal proceedings can be initiated against them: a criminal prosecution for the crime and a civil action for the tort and breach of contract.

ஒரு குற்றத்திற்கும் ஒரு சிவில் தவறிற்கும் இடையிலான வேறுபாடு தவறான செயலின் தன்மையின் அடிப்படையில் இல்லை. பல சமயங்களில், ஒரே செயலை ஒரு குற்றமாகவும், சிவில் தவறாகவும் கருதலாம். உதாரணமாக, ஒரு ஆடை அறை ஊழியர் அவர்களுக்கு ஒப்படைக்கப்பட்ட ஒரு பையைத் திருடினால், அவர்கள் திருட்டு குற்றத்தையும் இரண்டு சிவில் தவறுகளையும் செய்கிறார்கள்: மாற்றத்தின் குற்றம் மற்றும் ஒப்பந்தத்தை மீறுதல். இதன் பொருள் என்னவென்றால், அவர்களுக்கு எதிராக இரண்டு வகையான சட்ட நடவடிக்கைகள் தொடங்கப்படலாம்: குற்றத்திற்கான குற்றவியல் வழக்கு மற்றும் குற்றம் மற்றும் ஒப்பந்தத்தை மீறியதற்காக சிவில் நடவடிக்கை.

The term tort refers to a civil wrong that causes harm or injury to another person or their property.

தீங்கு என்ற சொல், மற்றொரு நபருக்கு அல்லது அவர்களின் சொத்துக்களுக்கு சேதம் அல்லது காயம் (தீங்கு) விளைவிக்கும் ஒரு சிவில் தவறு.

**Conversion (கையாடல்)** is a tort that occurs when someone wrongfully takes or interferes with another person's property, depriving them of its possession or use. It involves the unauthorized assumption of ownership or control over someone else's property.

**கையாடல் (மாற்றம்)** என்பது ஒருவர் மற்றவரின் சொத்தைத் தவறாக எடுத்துக்கொள்வது அல்லது அதில் தலையிடுவது மூலம் அவர்களின் உடமையைக் கைவிடவோ அல்லது பயன்படுத்தவோ முடியாமல் செய்வது. இது ஒருவரின் சொத்தின்மீது அனுமதியின்றி உரிமையோ அல்லது கட்டுப்பாட்டோ எடுக்கப்படுவதைக் குறிக்கிறது.

The term “**conversion**” in the context of tort is translated as “**கையாடல்**” in Tamil. In a religious context, it refers to “மதமாற்றம்.” In other subjects, “conversion” can be translated as “மாற்றம்.” This means that depending on the context, the meaning of a word may change. Words can have multiple meanings based on how they are used in different situations. For instance, the word “bark” can refer to the outer covering of a tree or the sound a dog makes.

The surrounding words and the overall context help clarify the intended meaning. Understanding this concept is crucial for effective communication, as it enables individuals to interpret language accurately and respond appropriately.

**Breach of contract (ஒப்பந்த மீறல்)** refers to the failure to fulfill the terms and obligations of a legally binding agreement between two or more parties.

ஒப்பந்த மீறல் என்பது இரண்டு அல்லது அதற்கு மேற்பட்ட தரப்பினர்களுக்கு இடையே சட்டப்பூர்வமாக கட்டாய ஒப்பந்தத்தின் விதிமுறைகள் மற்றும் கடமைகளை நிறைவேற்றத் தவறியதைக் குறிக்கிறது.

The key difference between a crime and a civil wrong lie in the legal consequences that may follow. In criminal proceedings, there is a prosecutor who brings charges against the defendant. If the prosecution is successful, the defendant may be convicted and face various punishments, ranging from fines to the death penalty. On the other hand, in civil proceedings, the person initiating the lawsuit is called the plaintiff, while the opposing party is the defendant. If the civil proceedings are successful, the plaintiff may receive a judgment ordering the defendant to pay compensation, perform a specific action, declare a title, regain possession, issue an injunction, and so on.

குற்றத்திற்கும் சிவில் தவறுக்கும் இடையிலான முக்கிய வேறுபாடு சட்டரீதியான விளைவுகளில் உள்ளது. குற்றவியல் வழக்குகளில், குற்றம் சாட்டப்பட்டவர் மீது குற்றச்சாட்டுகளை முன்வைக்கும் ஒரு வழக்கறிஞர் இருக்கிறார். வழக்கு வெற்றிகரமாக நடந்தால், குற்றம் சாட்டப்பட்டவர் குற்றவாளியாகக் கருதப்பட்டு பல்வேறு தண்டனைகளை எதிர்கொள்ளலாம், அபராதம் முதல் மரண தண்டனை வரை. மறுபுறம், சிவில் வழக்குகளில், வழக்கைத் தொடங்குபவர் வாதி என்று அழைக்கப்படுகிறார், அதே நேரத்தில் எதிர் கட்சி பிரதிவாதியாகும். சிவில் வழக்கு வெற்றிகரமாக முடிந்தால், வழக்குரைஞர் ஒரு தீர்ப்பைப் பெறலாம், இது பிரதிவாதியை இழப்பீடு செலுத்த, ஒரு குறிப்பிட்ட நடவடிக்கையைச் செய்ய, ஒரு உரிமையை அறிவிக்க, உடைமையை மீட்டெடுக்க, ஒரு தடை உத்தரவை வெளியிட, மற்றும் பல.

In civil proceedings, if the plaintiff is successful in proving their case and the defendant is found responsible for the harm suffered by the plaintiff, the court may order the defendant to pay compensation to the plaintiff. The amount of compensation, also known as damages, is determined by the court based on various factors such as the extent of harm, financial losses, and other relevant considerations.

சிவில் வழக்குகளில், வாதி தனது வழக்கை வெற்றிகரமாக நிரூபித்து, வாதிக்கு ஏற்பட்ட சேதத்திற்கு பிரதிவாதியே பொறுப்பாளராகக் கண்டறியப்பட்டால், வாதிக்கு இழப்பீடு செலுத்துமாறு நீதிமன்றம் பிரதிவாதியிடம் உத்தரவிடலாம். இழப்பீட்டுத் தொகை, சேதங்கள் எனவும் அழைக்கப்படுகிறது,

இது சேதத்தின் அளவு, நிதி இழப்புகள் மற்றும் பிற பொருத்தமான கருத்தாய்வுகள் போன்ற பல்வேறு காரணிகளின் அடிப்படையில் நீதிமன்றத்தால் தீர்மானிக்கப்படுகிறது.

The purpose of awarding compensation in civil cases is to provide relief to the injured party and restore them, as much as possible, to the position they were in before the harm occurred. The compensation can be in the form of monetary payment, specific performance (fulfilling a contractual obligation), declaration of rights, recovery of possession, injunctions, or other appropriate remedies based on the nature of the case.

சிவில் வழக்குகளில் இழப்பீடு வழங்குவதன் நோக்கம், பாதிக்கப்பட்டவருக்கு நிவாரணம் வழங்குவதோடு, முடிந்தவரை, சேதம் ஏற்படுவதற்கு முன்னர் இருந்த நிலைக்கு அவர்களை மீட்டெடுப்பதாகும். இந்த இழப்பீடு பணப்பரிமாற்றம், குறிப்பிட்ட செயல்திறன் (ஒப்பந்தக் கடமைகளை நிறைவேற்றுதல்), உரிமைகளை அறிவித்தல், உடைமை மீட்டெடுப்பு, தடை உத்தரவு, அல்லது வழக்கின் தன்மையை அடிப்படையாகக் கொண்ட பிற பொருத்தமான தீர்வுகள் ஆகியவற்றின் வடிவத்தில் வழங்கப்படலாம்.

### 1.1.3. THE CLASSIFICATION OF CIVIL WRONGS (சிவில் தவறுகளின் வகைப்பாடு)

Civil wrongs are broadly classified into three categories: (1) breach of contract (ஒப்பந்த மீறல்), (2) tort (தீங்கு), and (3) breach of trust (நம்பிக்கை மீறல்).

Each category represents a different type of civil obligation and gives rise to different legal remedies

#### **Breach of Contract (ஒப்பந்த மீறுகை அல்லது மீறல்)**

Breach of contract refers to the failure of one party to perform their legal obligations arising from a contract. It is important to note that a contract does not necessarily have to be in a formal written document; it can also be oral. Every time a transaction is made, a contract is entered into.

## **Tort (தீங்கு)**

Tort is a civil wrong that is independent of a contract. It gives rise to an action for damages irrespective of any agreement not to do the act complained of. Some examples of torts include assault, battery, false imprisonment, trespass, conversion, defamation, negligence, and nuisance.

Conversion (கையாடல்), as a civil wrong, refers to the act of wrongfully taking or using another person's property without their permission or authority.

மாற்றம் என்பது ஒரு சிவில் தவறு என்ற வகையில், மற்றொரு நபரின் அனுமதி அல்லது அதிகாரம் இல்லாமல் அவரது சொத்தை தவறாக எடுத்துக்கொள்வது அல்லது பயன்படுத்துவதைக் குறிக்கிறது.

## **Breach of Trust (நம்பிக்கை மீறல்)**

A trust is an obligation enforced by courts. A trustee who fails to fulfill their obligation is liable for a breach of trust. In the case of private trusts, the beneficiaries may be determinate, whereas the beneficiaries under public trusts are indeterminate. For example, in the case of a charitable trust, there may not be any definite beneficiary, but the property is held on trust for the public as a whole or for some section of it.

## **Quasi-Contractual Obligation (ஒப்பந்தம்-போன்ற (அரை-ஒப்பந்தம்) கடமை அல்லது கடப்பாடு).**

A Quasi-Contractual Obligation is a legal obligation that arises not from an agreement between parties, but from circumstances in which the law imposes duties to prevent unjust enrichment or unfair treatment. These obligations resemble those of a contract, though no formal agreement has been made. They are designed to ensure that one party does not unfairly benefit at the expense of another.

**A quasi-contract (ஒப்பந்தம் போல / ஒப்பந்த அமைப்பு)**, also known as an implied-in-law contract or a constructive contract, is not an actual contract agreed upon by parties. Instead, it is a legal obligation imposed by a court to prevent one party from being unjustly enriched at the expense of another. This legal concept is used when there is no formal contract in place, but fairness demands that a party be compensated for their services or losses.

In Tamil, we used “ஒப்பந்தம் போல” (Oppandham Pola) or “போல்வு” (Polvu) to capture the “as if” nature of quasi-contracts, but the essence is different from a simple “fake” or “imitation.” It’s more about imposing fairness rather than deception.

Quasi-contracts are typically based on the principle that no one should benefit at another’s expense without providing compensation. For example, if you accidentally received goods intended for someone else, the law might impose a quasi-contract requiring you to pay for those goods if you decided to use them.

ஒரு கடமை என்பது ஒரு சட்டப்பூர்வ கடமையாகும், இது தரப்பினர்களுக்கு இடையிலான ஒப்பந்தத்திலிருந்து எழவில்லை, ஆனால் நியாயமற்ற செறிவூட்டல் அல்லது நியாயமற்ற சிகிச்சையைத் தடுக்க சட்டம் கடமைகளை விதிக்கும் சூழ்நிலைகளிலிருந்து எழுகிறது. முறையான ஒப்பந்தம் எதுவும் செய்யப்படவில்லை என்றாலும், இந்த கடமைகள் ஒரு ஒப்பந்தத்தை ஒத்திருக்கின்றன. ஒரு தரப்பு மற்றொரு தரப்பினரின் இழப்பில் நியாயமற்ற முறையில் பயனடையாது என்பதை உறுதிப்படுத்த அவை வடிவமைக்கப்பட்டுள்ளன.

உருவக ஒப்பந்தக் / அரை-ஒப்பந்த (ஒப்பந்த-போல்) கடமை என்பது இரண்டு தரப்புகளுக்கிடையில் உடன்படிக்கையால் உருவாகாமல், தவறான செழிப்பு அல்லது அநியாயமான நடத்தை தடுக்க சட்டம் கடமைகளை விதிக்கும் சூழ்நிலைகளிலிருந்து உருவாகும் சட்ட கடமை ஆகும். இந்தக் கடமைகள் ஒப்பந்தத்தின் உரிமைகளுக்குப் போன்றவை, இருந்தாலும் எந்தஉரிய ஒப்பந்தமும் செய்யப்படவில்லை. இவை, ஒரு தரப்பும் மற்றொரு தரப்பின் செலவில் அநியாயமாகப் பயன்பெறாதவாறு இருக்குமாறு வடிவமைக்கப்பட்டவை. அரை-ஒப்பந்தக் கடமை என்பது முழுமையான ஒப்பந்தக் கடமையல்ல.

Another term for Quasi-Contractual Obligation is Implied Contractual Obligation. This term similarly refers to obligations imposed by law under certain conditions, even though no formal agreement exists between the parties.

Apart from the three categories mentioned above, there is another type of civil obligation called quasi-contractual obligation. In quasi-contract, although the parties are not liable under a contract, they are liable for injustice.

For example, if person “A” pays an amount to person “B” by mistake, thinking that A owes the amount to B, it can be recovered as the law treats it as if B had contracted to repay it.

மேலே குறிப்பிட்டுள்ள மூன்று வகைகளைத் தவிர, கிட்டத்தட்ட ஒப்பந்தக் கடமை எனப்படும் மற்றொரு வகை சிவில் கடமை உள்ளது. அரை ஒப்பந்தத்தில், ஒரு ஒப்பந்தத்தின் கீழ் கட்சிகள் பொறுப்பேற்கவில்லை என்றாலும், அவர்கள் அநீதிக்கு பொறுப்பு.

எடுத்துக்காட்டாக, A என்பவர் B என்பவருக்குக் கடன்பட்டிருப்பதாக நினைத்து, தவறுதலாக B என்பவருக்கு ஒரு தொகையை செலுத்தினால், சட்டப்படி B அதைத் திருப்பிச் செலுத்த ஒப்பந்தம் செய்திருப்பதைப் போலவே அதை மீட்டெடுக்க முடியும்.

#### **1.1.4. SUBSTANTIVE AND ADJECTIVAL LAW (அடிப்படை மற்றும் நடைமுறை சட்டம்):**

“Substantive law (அடிப்படை சட்டம்)” refers to the set of laws that outline the rights, duties, and obligations of individuals and organizations. It defines the legal relationship between people and the state, as well as among individuals.

Substantive law encompasses various areas such as contract law, property law, tort law, criminal law, and constitutional law. It is concerned with the substance of the legal rights and obligations that govern conduct and provide the framework for legal proceedings. (or) Substantive law establishes people’s rights, duties, liabilities, and

powers, while adjectival law pertains to the enforcement of those rights and duties and is primarily concerned with procedural laws.

**Substantive law** lays down the fundamental principles and rules that govern various legal issues. It defines the rights and obligations of individuals and entities in society. For example, substantive law determines what constitutes a crime, the elements of a contract, or the requirements for a valid will.

On the other hand, **adjectival law**, also known as procedural law, deals with the processes and methods used to enforce substantive law. It sets out the rules and procedures that must be followed in legal proceedings, such as civil procedure, criminal procedure, and rules of evidence. Adjectival law ensures that substantive rights and duties are effectively enforced and protected through fair and just legal processes.

“அடிப்படைச் சட்டம்” என்பது தனிநபர்கள் மற்றும் அமைப்புகளின் உரிமைகள், கடமைகள் மற்றும் கடமைகளை கோடிட்டுக் காட்டும் சட்டங்களின் தொகுப்பைக் குறிக்கிறது.

**Adjectival law**, also known as procedural law, deals with the processes and methods used to enforce substantive law.

“Adjectival law” refers to the procedural aspect of the law, also known as adjective law or procedural law. “நடைமுறைச் சட்டம்” என்பது சட்டத்தின் நடைமுறை அம்சத்தைக் குறிக்கிறது, இது பண்புச் சட்டம் அல்லது நடைமுறைச் சட்டம் என்றும் அழைக்கப்படுகிறது. (or) “அட்ஜெக்டிவல் சட்டம்” என்பது தனிநபர்கள் மற்றும் நிறுவனங்களின் உரிமைகள், கடமைகள் மற்றும் கடமைகளை கோடிட்டுக் காட்டும் சட்டங்களின் தொகுப்பைக் குறிக்கிறது.

#### 1.1.5. THE TITLE OF CASE (வழக்கின் தலைப்பு):

In Indian law, the title of a case refers to the name by which a legal case is identified. The title typically includes the names of the parties involved and serves as a unique identifier for the case. When referencing a case in Indian law, it is important to use the correct title



to ensure clarity and accuracy in legal proceedings and documentation.

இந்திய சட்டம் அல்லது நீதித்துறையில், ஒரு வழக்கின் தலைப்பு ஒரு சட்ட வழக்கு அடையாளம் காணப்படும் பெயரைக் குறிக்கிறது. தலைப்பு பொதுவாக சம்பந்தப்பட்ட தரப்பினரின் பெயர்களை உள்ளடக்கியது மற்றும் வழக்கிற்கான தனித்துவமான அடையாளங்காட்டியாக செயல்படுகிறது. இந்திய சட்டத்தில் ஒரு வழக்கைக் குறிப்பிடும்போது, சட்ட நடவடிக்கைகள் மற்றும் ஆவணங்களில் தெளிவு மற்றும் துல்லியத்தை உறுதிப்படுத்த சரியான தலைப்பைப் பயன்படுத்துவது முக்கியம்.

The rules for naming cases can vary depending on the type of case. In criminal trials, the names of the cases are typically based on the two main divisions of crimes: indictable offences and summary offences. Indictable offences are more serious and are tried in the crown court. In these cases, the title will include “Reg” (short for Regina, meaning Queen) or “Rex” (meaning King), followed by “V” and the defendant’s name. For example, “Reg V Sikes” or “Rex V Sikes” can both be written as “R V Sikes”.

வழக்குகளின் வகையைப் பொறுத்து வழக்குகளை பெயரிடுவதற்கான விதிகள் மாறுபடும். குற்றவியல் விசாரணைகளில், வழக்குகளின் பெயர்கள் பொதுவாக குற்றங்களின் இரண்டு முக்கிய பிரிவுகளை அடிப்படையாகக் கொண்டவை:

குற்றம் சாட்டக்கூடிய குற்றங்கள் மற்றும் சுருக்கமான குற்றங்கள். குற்றம் சாட்டக்கூடிய குற்றங்கள் மிகவும் தீவிரமானவை மற்றும் கிரவுன் நீதிமன்றத்தில் விசாரிக்கப்படுகின்றன.

இந்த சந்தர்ப்பங்களில், தலைப்பில் “ரெக்” (ரெஜினாவின் சுருக்கம், ராணி என்று பொருள்) அல்லது “ரெக்ஸ்” (கிங் என்று பொருள்), அதைத் தொடர்ந்து “வி” மற்றும் பிரதிவாதியின் பெயர் ஆகியவை அடங்கும். எடுத்துக்காட்டாக, “ரெக் வி சிக்ஸ்” அல்லது “ரெக்ஸ் வி சிக்ஸ்” இரண்டையும் “ஆர் வி சிக்ஸ்” என்று எழுதலாம்.

In summary offences, which are tried before magistrates, the title of the case will not contain “Reg” or “Rex” before “V”. Instead, it will include the name of a private person.

சுருக்கமாக, மாஜிஸ்திரேட்டுகள் முன் விசாரிக்கப்படும் குற்றங்களின் தலைப்பில் “வி” க்கு முன் “ரெக்” அல்லது “ரெக்ஸ்” இருக்காது. அதற்கு பதிலாக, அதில் ஒரு தனி நபரின் பெயர் இடம்பெறும்.

In civil cases, the names of the cases usually consist of the names of the parties involved. For example, “Rylands V Fletcher”. If the Queen or King, as the representative of the government, is a party in a civil case, she is referred to as “The Queen” or “The King”. “R” can also be used when an appeal is taken to the Court of Appeal (Civil Division), with the name of the appellant put first. In some cases, the names of the parties may become reversed, such as in cases involving the interpretation of a will, where the name of the case is “In re (in the matter of) somebody or something”, like “In re Smith”.

சிவில் வழக்குகளில், வழக்குகளின் பெயர்கள் பொதுவாக சம்பந்தப்பட்ட தரப்பினரின் பெயர்களைக் கொண்டிருக்கும். எடுத்துக்காட்டாக, “ரைலாண்ட்ஸ் வி பிளெட்சர்”. அரசி அல்லது அரசர், அரசாங்கத்தின் பிரதிநிதியாக, ஒரு சிவில் வழக்கில் ஒரு தரப்பினராக இருந்தால், அவர் “ராணி” அல்லது “ராஜா” என்று குறிப்பிடப்படுகிறார். மேன்முறையீட்டு நீதிமன்றத்திற்கு (சிவில் பிரிவு) மேன்முறையீடு கொண்டு செல்லப்படும் போது, முறையீட்டாளரின் பெயர் முதலில் வைக்கப்படும் போது “R” பயன்படுத்தப்படலாம். சில சந்தர்ப்பங்களில், தரப்பினரின் பெயர்கள் தலைகீழாக மாறக்கூடும், அதாவது உயிலின் விளக்கம் சம்பந்தப்பட்ட வழக்குகளில், வழக்கின் பெயர் “இன் ரெ ஸ்மித்” போன்ற “யாரோ அல்லது வேறு ஏதாவது விஷயத்தில்”.

Certain applications to the court are called “Ex Parte”, where “Ex P” is used to indicate that the application is made by a specific person, such as “Ex P Smith” meaning “on the application of Smith”.

நீதிமன்றத்திற்கு சில பயன்பாடுகள் “எக்ஸ் பார்டே” என்று அழைக்கப்படுகின்றன, அங்கு விண்ணப்பம் ஒரு குறிப்பிட்ட நபரால் செய்யப்படுகிறது என்பதைக் குறிக்க “எக்ஸ் பி”

பயன்படுத்தப்படுகிறது, அதாவது “எக்ஸ் பி ஸ்மித்” அதாவது “ஸ்மித்தின் பயன்பாட்டில்”.

In probate cases, which deal with the proof of a will, the title “In Bonis” (meaning “in the Goods of”) may be used, such as “In bonis Smith”.

உயிலின் ஆதாரத்தைக் கையாளும் வழக்குகளில், “போனிஸ்” (“பொருட்களின் பொருட்களில்” என்று பொருள்) என்ற தலைப்பு பயன்படுத்தப்படலாம், அதாவது “இன் போனிஸ் ஸ்மித்”.

#### **Real-time examples of case titles:**

Plaintiff v. Defendant  
(வாதி எதிர். பிரதிவாதி)

#### **1.1.6. COURTS WITH CIVIL JURISDICTION (சிலில் நீதித்துறை வரம்பு கொண்ட நீதிமன்றங்கள்)**

##### **England’s Court with Civil Jurisdiction:**

In England, the courts with original jurisdiction are the High Courts and County Courts. The High Court is divided into three divisions: the Queen’s Division, the Chancery Division, and the Family Division. The Queen’s Division administers primarily the common law, the Chancery Division deals with equity cases, and the Family Division handles probate, divorce, and admiralty cases.

A civil trial in the High Court is typically before a single judge, without a jury. The judges may sit in London or in the provinces. High Court cases outside London are often presided over by Deputy High Court Judges or barristers.

Less significant civil cases are tried in the county courts. Appeals from both the High Courts and the County Courts can be made to the Court of Appeal. The Court of Appeal usually sits with three members, and multiple courts may be in action simultaneously. Further appeals, with leave, can be made to the House of Lords.

Under the “Leap Frog” procedure introduced by the Administration of Justice Act 1960, a civil case may go on appeal directly from the High Court to the House of Lords. This can occur with the consent of the parties and on certification from the judges, particularly if the case involves the interpretation of legislation or seeks to overturn a previous decision of the Court of Appeal or House of Lords.

In India, the courts with civil jurisdiction can be categorized into three main levels: the Supreme Court, High Courts, and subordinate courts such as District Courts.

### **Supreme Court**

The Supreme Court of India is the highest judicial authority in the country. It has original jurisdiction over certain civil cases and serves as the final appellate court for civil matters. The Supreme Court has the power to interpret the Constitution, resolve disputes between the central government and state governments, and hear appeals from High Courts and other tribunals.

இந்தியாவின் உச்ச நீதிமன்றம் நாட்டின் மிக உயர்ந்த நீதிமன்ற ஆணையம் ஆகும்.

இது சில சிவில் வழக்குகளில் முதன்மை அதிகாரம் கொண்டது மற்றும் சிவில் விவகாரங்களுக்கு இறுதியான மேன்முறையீட்டு நீதிமன்றமாக செயல்படுகிறது. உச்ச நீதிமன்றம் அரசியல் மற்றும் மாநில அரசுகளுக்கிடையிலான தகராறுகளை தீர்க்கும் அதிகாரம் மற்றும் உச்ச நீதிமன்றங்களிலிருந்து மற்றும் பிற கோர்ட்டுகளிலிருந்து மேன்முறைகள் கேட்கும் அதிகாரம் பெற்றுள்ளது.

### **High Courts**

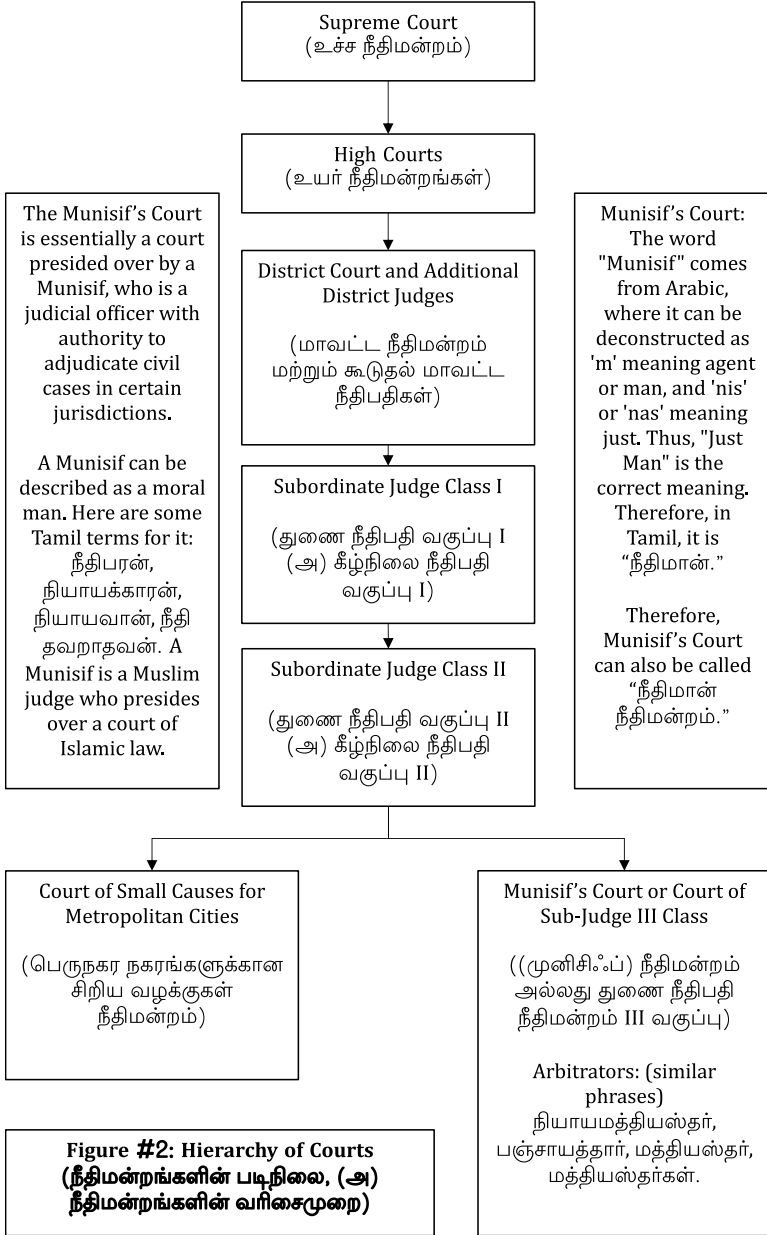
Each state in India has its own High Court, which serves as the highest judicial authority within the state. The High Courts have original jurisdiction over certain types of cases and also hear appeals from lower courts within their respective states. They handle a wide range of civil matters, including civil disputes, constitutional matters, and writ petitions.

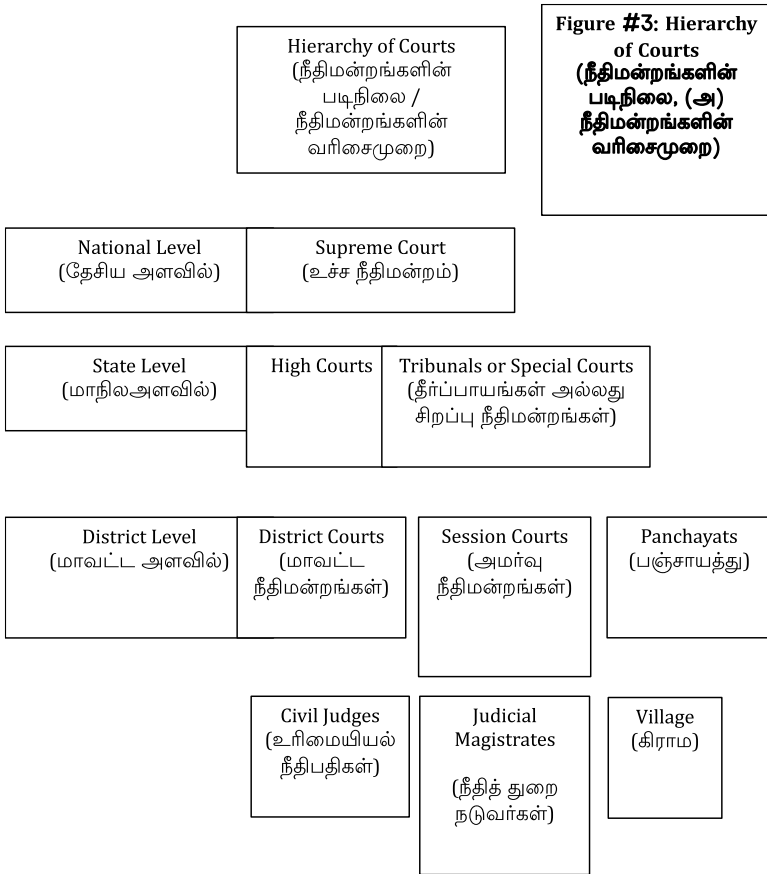
இந்தியாவின் ஒவ்வொரு மாநிலத்திற்கும் தங்களின் உயர் நீதிமன்றம் உள்ளது, இது அந்த மாநிலத்தில் உயர்ந்த நீதிமன்றமாகச் செயல்படுகிறது. உயர் நீதிமன்றங்களுக்கு சில வகையான வழக்குகளில் முதன்மை அதிகாரம் உள்ளது மற்றும் தங்கள் மாநிலங்களில் உள்ள கீழ்நிலை நீதிமன்றங்களிலிருந்து மேன்முறைகளைக் கேட்கும். இவை பல்வேறு சிவில் விவகாரங்கள், அரசியல் விவகாரங்கள் மற்றும் பிணைப் மனுக்கள் போன்றவற்றை கையாள்கின்றன.

### **Subordinate Courts or District Courts**

Below the High Courts are the Subordinate Courts, commonly known as District Courts. These courts are located in various districts across the country and have original jurisdiction over civil cases within their territorial jurisdiction. They handle a variety of civil matters, including property disputes, contract disputes, family matters, and other civil claims.

உயர் நீதிமன்றங்களின் கீழ் உள்ள நீதிமன்றங்கள் பொதுவாக மாவட்ட நீதிமன்றங்கள் என்று அழைக்கப்படுகின்றன. இவை நாட்டின் பல்வேறு மாவட்டங்களில் அமைந்துள்ளன மற்றும் அவற்றின் பிராந்தியத் தளத்தில் சிவில் வழக்குகளில் முதன்மை அதிகாரம் கொண்டுள்ளன. இவை சொத்துத் தகராறுகள், ஒப்பந்தத் தகராறுகள், குடும்ப விவகாரங்கள் மற்றும் பிற சிவில் கோரிக்கைகள் போன்ற பல்வேறு சிவில் விவகாரங்களை கையாள்கின்றன.





### District Courts (மாவட்ட நீதிமன்றங்கள்)

The district courts are mainly run by the state government-appointed district judges. There are additional district judges and assistant district judges who share the load of proceedings. These additional district judges have equal power to district judges in metropolitan areas designated by the state government.

**மாவட்ட நீதிமன்றங்கள்** முக்கியமாக மாநில அரசால் நியமிக்கப்பட்ட மாவட்ட நீதிபதிகள் மூலம் நிர்வகிக்கப்படுகின்றன. மேலும், கூடுதல் மாவட்ட நீதிபதிகள் மற்றும் உதவி மாவட்ட நீதிபதிகள் உள்ளனர்.

இது வழக்கின் கூடுதல் பாரத்தைப் பகிர்ந்து கொள்வது. இவற்றுக்கு மாநில அரசால் தேர்ந்தெடுக்கப்படும் மாபெரும் நகரப்பகுதிகளின் அதிகாரப்பரப்பில் மாவட்ட நீதிபதிகளுக்குச் சமமான அதிகாரம் உள்ளது.

These district courts also handle appeals from subordinate courts within the same district, specifically in civil and criminal matters.

இவை, அதே மாவட்டத்தில் உள்ள கீழ்நிலை நீதிமன்றங்களின் மறுபரப்புகளை சிவில் மற்றும் குற்றவியல் விவகாரங்களில் மேல்முறையீடுகளை முன்னெடுக்கின்றன.

### **Subordinate Courts (கீழமை நீதிமன்றங்கள்)**

The subordinate courts handling civil cases include (சிவில் (உரிமையியல்) வழக்குகளைக் கையாளும் கீழ்நிலை (கீழமை) நீதிமன்றங்கள்):

(1) Junior Civil Judge Court (இளநிலை (ஜூனியர்) உரிமையியல் நீதிபதி நீதிமன்றம்)

(2) Principal Junior Civil Judge Court (முதன்மை இளநிலை சிவில் (உரிமையியல்) நீதிபதி நீதிமன்றம்)

(3) Senior Civil Judge Court (முதுநிலை (சீனியர்) உரிமையியல் நீதிபதி நீதிமன்றம்)

These are also known as Sub Courts or Subordinate Courts. All these courts follow an ascending order.

The subordinate courts handling criminal cases include (குற்றவியல் வழக்குகளை கையாளும் கீழ்நிலை நீதிமன்றங்கள்):

(1) Second Class Judicial Magistrate Court (இரண்டாம் வகுப்பு நீதித்துறை மாஜிஸ்திரேட் (நடுவர்) நீதிமன்றம்)



(2) First Class Judicial Magistrate Court (முதல் தர அல்லது முதல் வகுப்பு நீதித்துறை மாஜிஸ்திரேட் (நடுவர்) நீதிமன்றம்)

(3) Chief Judicial Magistrate Court (முதன்மை நீதித்துறை மாஜிஸ்திரேட் (நடுவர்) நீதிமன்றம்)

(4) Family Courts, dealing only with matrimonial disputes. (குடும்ப நீதிமன்றங்கள், இவை திருமணச் சர்ச்சைகளை மட்டும் கையாள்கின்றன.)

The status of the Principal Judge of Family Court is equivalent to the District Judge.

குடும்ப நீதிமன்றத்தின் முதன்மை நீதிபதியின் நிலைமை மாவட்ட நீதிபதிக்கு இணையானது.

There are a total of 351 district courts in operation, out of which 342 are in states, and 9 are in union territories.

மொத்தமாக 351 மாவட்ட நீதிமன்றங்கள் செயல்பாட்டில் உள்ளன, அதில் 342 மாநிலங்களில் மற்றும் 9 யூனியன் பிரதேசங்களில் உள்ளன.

### **Village Courts (கிராம நீதிமன்றங்கள்)**

The village courts are named as Lok Adalat or Nyaya Panchayat, which means the service of justice extended to the villagers of India. This is the system for resolving disputes at a micro level. The need for these courts is justified through the Madras Village Court Act of 1888.

கிராம நீதிமன்றங்கள் லோக் அதலத் அல்லது ந்யாய பஞ்சாயத்து என்று பெயரிடப்பட்டுள்ளன, இது இந்தியாவின் கிராமவாசிகளுக்கு நீதி வழங்கப்படுவதை குறிக்கிறது. இது மைக்ரோ அளவில் தகராறுகளைத் தீர்க்கும் முறைமையாகும். 1888 ஆம் ஆண்டின் மதராஸ் கிராம நீதிமன்றச் சட்டம் மூலம் இந்த நீதிமன்றங்களின் தேவையை நீதி கொடுக்கப்பட்டுள்ளது.

This act was followed by developments post-1935 in different provinces, which are re-termed as states after the independence of 1947.

இந்தச் சட்டத்தை 1935 க்கு பின் மாறுபட்ட மாகாணங்களில் வெளிப்படுத்தப்பட்டது, இது 1947 ஆம் ஆண்டின் சுதந்திரத்திற்கு பிறகு மாநிலங்களாக மாற்றப்பட்டது.

This conceptual model started being used in the state of Gujarat in the 1970s, consisting of a judge and two assessors. The Law Commission recommended in 1984 to form Nyaya Panchayats in rural areas with educated people. The latest development was observed in 2008 through the Gram Nyayalayas Act, which proposed the installation of 5000 mobile courts throughout the country.

இந்த கருத்தாக்க மாடல் 1970களில் குஜராத் மாநிலத்தில் ஒரு நீதிபதி மற்றும் இரண்டு மதிப்பீட்டாளர்களைக் கொண்டு பயன்படுத்தத் தொடங்கியது. 1984 ஆம் ஆண்டில், நீதியாசிரியர் ஆணையம் கிராமப்புறங்களில் கல்வி பெற்ற மக்களுடன் நியாய பஞ்சாயத்துக்கள் அமைக்க பரிந்துரைத்தது. 2008 ஆம் ஆண்டில் கிராம நியாயலயா சட்டம் மூலம் மொத்த நாடு முழுவதும் 5000 மோபைல் நீதிமன்றங்களை நிறுவுவதற்கான நடவடிக்கை மேற்கொள்ளப்பட்டது.

These courts are assigned to judge petty cases related to civil and criminal offences, which can result in penalties of up to 2 years of imprisonment.

இந் நீதிமன்றங்கள் இரண்டு ஆண்டுகள் வரை சிறைத் தண்டனை விதிக்கும் சிவில் மற்றும் குற்றவியல் குற்றங்கள் தொடர்பான சிறிய வழக்குகளை நீதிபதிக்க ஒதுக்கப்பட்டுள்ளன.

As per the available statistics of 2012, there are only 151 Gram Nyayalayas functional, far below the targeted figure of 5000 mobile courts. The primary reasons for this shortfall include financial constraints and reluctance from lawyers, respective government officials, and police.

2012 ஆம் ஆண்டில் கிடைக்கக்கூடிய புள்ளிவிவரங்களின் படி, இந்தப் பெரிய நாட்டில் செயல்படும் 151 கிராம ந்யாயலயங்கள் மட்டுமே உள்ளன,

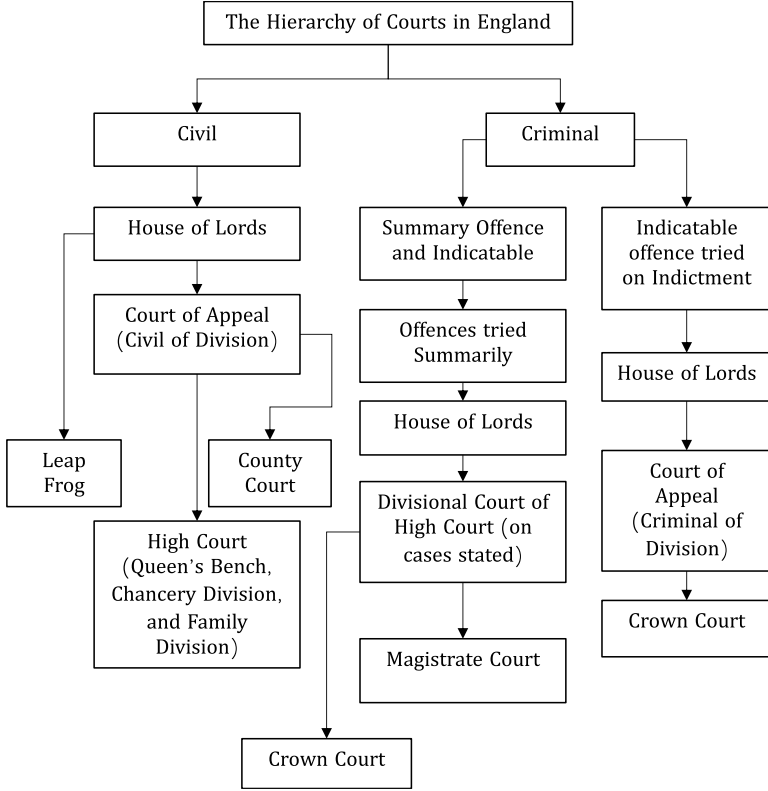
இது 5000 மோபைல் நீதிமன்றங்களின் இலக்கு எண்ணிக்கையிலிருந்து மிகவும் குறைவாக உள்ளது. இந்தச் சாதிக்காததற்கான அடிப்படை காரணங்களாக நிதி நெருக்கடிகள், உதவியாளர், ஆளுநர் அதிகாரிகள், மற்றும் காவல்துறையின் முழுமையான முடிவில்லாமை கண்டறியப்பட்டது.

#### **1.1.7. COURTS WITH CRIMINAL JURISDICTION (குற்றவியல் அதிகார வரம்பு கொண்ட நீதிமன்றங்கள்)**

The Crown Court is the main criminal court in England, established by The Courts Act 1971. Criminal trials in the Crown Court always involve a jury. The court is typically presided over by a circuit judge or recorder, who oversees the trial and guides the jury. In some cases, a High Court Judge may also be present. Appeals from the Crown Court in criminal cases are made to the Court of Appeal (Criminal Division). Only defendants can appeal, and appeals can be based on points of law, facts, or sentences. If a conviction is successfully appealed, it is overturned, but the court may substitute it with a conviction for a different offense that the jury could have considered. In important cases, with permission, further appeals can be made to the House of Lords, but certain criteria must be met, including the involvement of a significant point of law of public importance.

Summary offenses, which are crimes not serious enough for indictment, are tried without a jury in Magistrates' Courts. However, many indictable offenses can also be tried in Magistrates' Courts under specific conditions. Appeals from Magistrates' Courts in criminal cases follow a similar process to civil cases. Defendants can appeal to the Crown Court, where the entire case is reviewed by at least two magistrates sitting with a judge or recorder. Alternatively, a case can be referred to a divisional court of the Queen's Bench Division for a decision on a point of law.

Further appeals from the divisional court, subject to restrictions, can be made to the House of Lords. Appeals from an acquittal in trials on indictment are generally not allowed. In England, the hierarchy of courts, both civil and criminal, can be represented diagrammatically.



**Figure #4: Hierarchy of Courts (நீதிமன்றங்களின் படிநிலை, (அ) நீதிமன்றங்களின் வரிசைமுறை)**

*Turn the next page to view in Tamil. (அடுத்த பக்கத்தைத் திருப்பி தமிழில் காண.)*

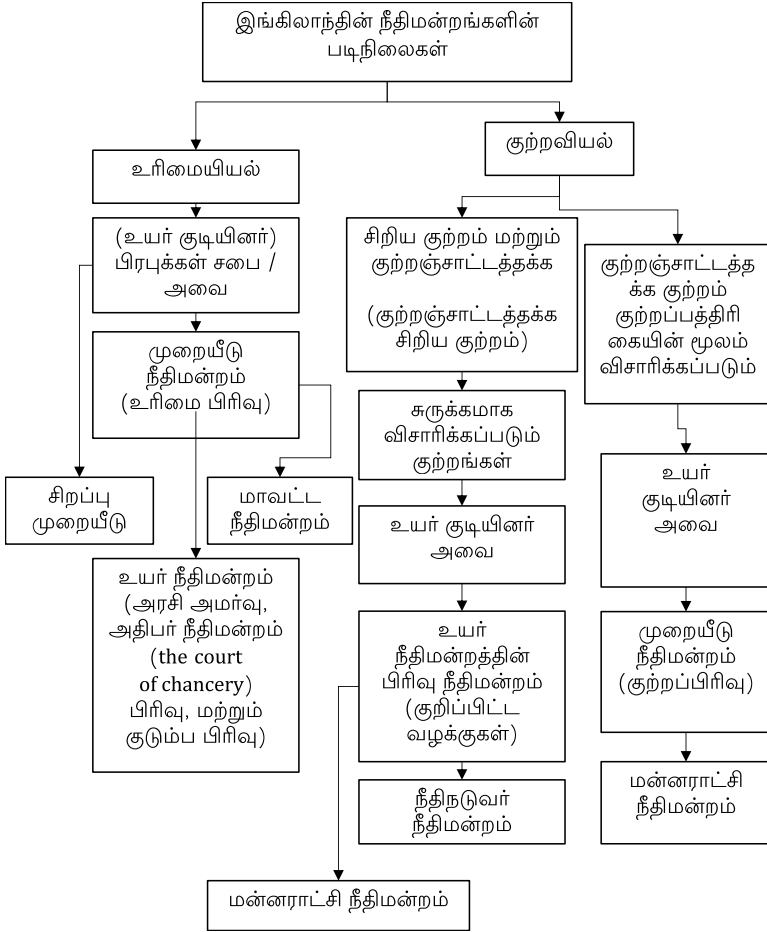


Figure #5: Hierarchy of Courts (நீதிமன்றங்களின் படிநிலை, (அ) நீதிமன்றங்களின் வரிசைமுறை)

## **Meaning of the above hierarchy:**

### **Civil Courts Hierarchy:**

- 1. Supreme Court (formerly House of Lords):** This is the highest court in the United Kingdom for civil cases. It hears appeals on arguable points of law of general public importance.
- 2. Court of Appeal (Civil Division):** The Court of Appeal hears appeals from the High Court, County Courts, and certain tribunals.
- 3. High Court:** The High Court is divided into three divisions: the Queen's Bench Division, the Chancery Division, and the Family Division. It has jurisdiction to hear major civil cases such as those involving significant sums of money or important points of law.
- 4. County Court:** These are local courts that handle a wide range of civil matters such as small claims, landlord-tenant disputes, and other civil disputes.

### **Criminal Courts Hierarchy:**

- 1. Supreme Court (formerly House of Lords):** As mentioned earlier, the Supreme Court also serves as the highest court for criminal cases.
- 2. Divisional Court of High Court (on cases stated):** This division deals with judicial review cases and certain other matters.
- 3. Magistrates' Court:** These are the first level of criminal courts where less serious criminal cases are initially heard. They also deal with preliminary hearings for more serious cases before they are passed to the Crown Court.
- 4. Crown Court:** This court deals with serious criminal cases such as murder, rape, and robbery. It also hears appeals from Magistrates' Courts.

In England and Wales, criminal offenses are divided into summary offenses and indictable offenses. Summary offenses are less serious offenses that can be tried without a jury in a Magistrates' Court. Indictable offenses are more serious crimes that are typically tried in the Crown Court.

### **The Supreme Court of United Kingdom:**

The Supreme Court of the United Kingdom, established by part 3 of the Constitutional Reforms Act 2005 and commencing its work on 1<sup>st</sup> October 2009, is the apex court in all matters under English Law, Northern Irish Law, and Scottish Civil Law. It serves as the highest appellate court in the United Kingdom and is located in Middlesex Guildhall, London. The establishment of the Supreme Court marked a significant constitutional change as it assumed the judicial function of the House of Lords, which was previously executed by the lords of appeal in ordinary, commonly referred to as Law Lords.

குற்றஞ்சாட்டத்தக்க குற்றம் என்பது ஒரு வகையான குற்றமாகும், இது குற்றப்பத்திரிகை மூலம் விசாரிக்கப்படும் அளவுக்கு தீவிரமானது. இதன் பொருள், வழக்கு ஒரு முறையான சட்டப்பூர்வ செயல்முறையின் மூலம் செல்ல வேண்டும், பெரும்பாலும் ஒரு நீதிபதியின் முன் பூர்வாங்க விசாரணையை உள்ளடக்கியது, விசாரணையைத் தொடர போதுமான ஆதாரங்கள் உள்ளதா என்பதை தீர்மானிக்க வேண்டும். போதுமான ஆதாரங்கள் இருந்தால், குற்றம் சாட்டப்பட்டவர் முறைப்படி குற்றம் சாட்டப்படுவார் (குற்றம் சாட்டப்பட்டார்) மேலும் வழக்கு உயர் நீதிமன்றத்தில், பொதுவாக நீதிபதி மற்றும் நடுவர் மன்றத்தில் விசாரிக்கப்படும்.

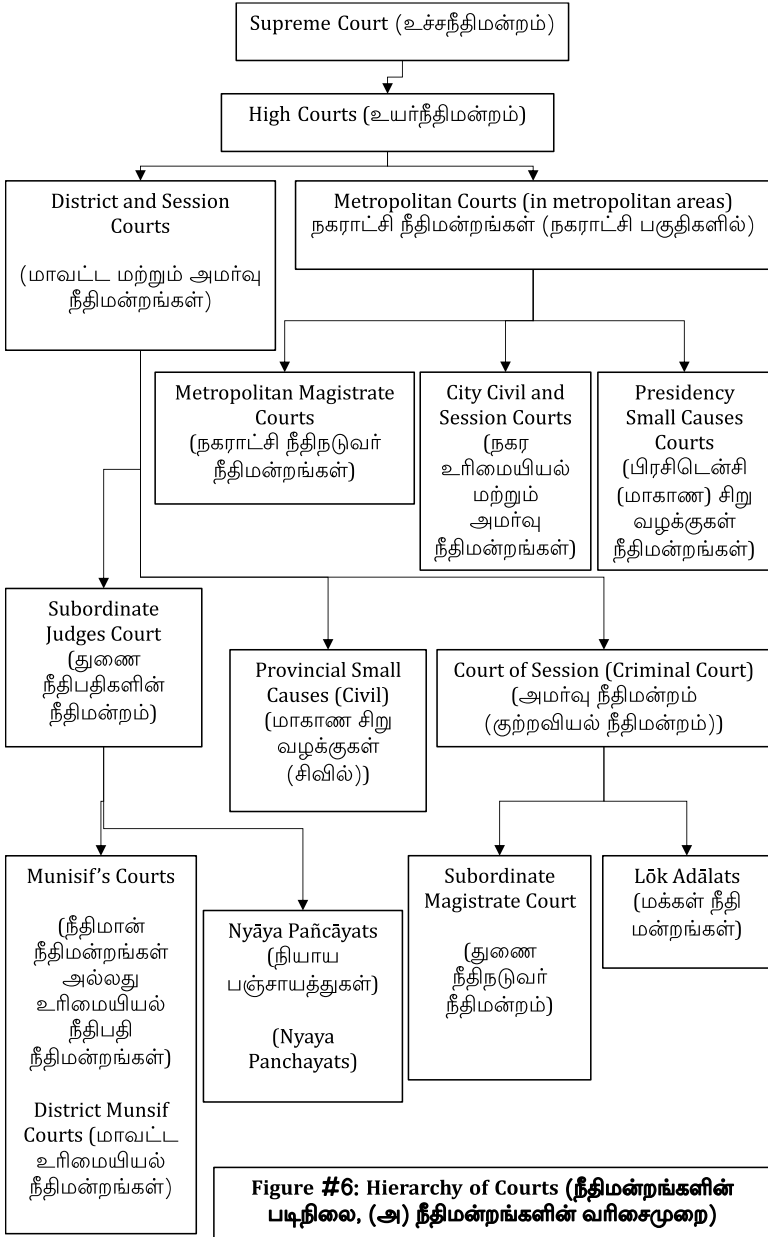
An indictable offence is a type of crime that is serious enough to be tried by indictment. This means the case must go through a formal legal process, often involving a preliminary hearing before a judge to determine if there is sufficient evidence to proceed to trial. If there is enough evidence, the accused is formally charged (indicted), and the case is tried in a higher court, typically before a judge and jury.

உள்ளூர் நீதிமன்றத்தில் இருந்து மேல்நீதிமன்றத்திற்கு நேரடியாக எடுத்துச் செல்லும் சிறப்பு முறையீடு “leapfrog appeal” எனப்படும். இது இடைநிலை முறையீடு நீதிமன்றத்தை தவிர்க்கிறது. எடுத்துக்காட்டாக, இங்கிலாந்து மற்றும் வேல்சில், ஒரு leapfrog appeal நேரடியாக உயர்நீதிமன்றத்தில் இருந்து உச்ச நீதிமன்றத்திற்கு செல்லலாம், முறையீடு நீதிமன்றத்தை தாண்டி. இந்த நடைமுறை பொதுவாக பொதுமக்களின் முக்கியத்துவம் கொண்ட சட்டப் புள்ளிகள் உடைய வழக்குகளுக்கு பயன்படுத்தப்படுகிறது, மேலும் இதற்கு உயர்நீதிமன்ற நீதிபதியின் சான்றிதழ் தேவை.

A special type of appeal where a case is taken directly from a lower court to a higher court is called a “leapfrog appeal”. This bypasses the intermediate appellate court. For example, in England and Wales, a leapfrog appeal can go directly from the High Court to the Supreme Court, skipping the Court of Appeal.

This procedure is typically used for cases involving points of law of general public importance, and it requires a certificate from the High Court judge to proceed.





## Conclusion

Understanding the fundamental differences between crime and civil law is crucial for comprehending the legal landscape. The classification of civil wrongs further elaborates on the nuances within the civil legal system, distinguishing various forms of non-criminal disputes and grievances. Substantive and adjectival laws provide the backbone for legal procedures and the application of justice, ensuring that both the rights and processes are well-defined and fair.

Examining the title of a case offers insight into the specifics of legal disputes and the parties involved, while the differentiation between courts with civil and criminal jurisdiction helps in navigating the legal system effectively. Civil courts handle a range of non-criminal matters, from contractual disputes to family law issues, whereas criminal courts focus on adjudicating offenses against the state or society.

In summary, a comprehensive understanding of these elements not only enhances one's knowledge of the legal framework but also equips individuals with the tools to interpret and engage with legal matters more proficiently. This knowledge is instrumental in fostering a more just and informed society.

## 1.2. Mechanism of Scholarship (கல்வி உதவித்தொகை வழங்கும் முறை (or) புலமைப்பரிசில் பொறிமுறை)

### Titles or Topics or Synopsis

- (1) Introduction
- (2) Government Scholarships
- (3) Private Scholarships
- (4) Institutional Scholarships
- (5) Conclusion

## (1) Introduction

The term "mechanism of scholarship" refers to the processes and systems involved in the distribution, sharing, and utilization of scholarships. It encompasses the various methods, criteria, and procedures through which scholarships are awarded, managed, and disbursed to eligible recipients.

The mechanism of scholarships for a 3-year LLB course typically involves the following steps:

1. **Eligibility:** Scholarships are usually available to deserving candidates who aspire to become law graduates. Eligibility criteria may include students pursuing LLB and other professional courses.
2. **Application:** The scholarships can be applied for online. Students must submit valid documents such as photographs, mark sheets, bank details, and more.
3. **Rewards:** Students who qualify for the scholarship can get rewards.

The mechanism of scholarship may include aspects such as the application process, selection criteria, evaluation methods, and the overall administration of scholarships. It involves the identification of eligible candidates, the assessment of their qualifications, and the decision-making process for awarding scholarships based on predetermined criteria.

Additionally, the mechanism of scholarship may also encompass the means by which scholarship recipients are supported throughout their academic journey. This can include mentorship programs, academic guidance, and other forms of assistance aimed at ensuring the successful completion of their studies.

In India, there are various mechanisms through which students can obtain scholarships to pursue law studies.

These mechanisms are designed to provide financial assistance to deserving and meritorious students, enabling them to access quality legal education.

Scholarships for law studies in India can be categorized into government scholarships, private scholarships, and institutional scholarships.

## **(2) Government Scholarships**

The Government of India offers several scholarships for law students to support their academic pursuits. These scholarships are often provided by government bodies such as the Ministry of Minority Affairs, Ministry of Social Justice and Empowerment, and the University Grants Commission (UGC).

The UGC provides scholarships for economically disadvantaged students through schemes like the National Fellowship for OBC Candidates, National Fellowship for SC Candidates, and National Fellowship for ST Candidates.

These scholarships aim to promote higher education among marginalized communities and provide financial aid to students pursuing law studies.

## **(3) Private Scholarships**

Private organizations, corporations, and foundations also play a significant role in offering scholarships for law studies in India. These scholarships are often based on merit, financial need, or specific criteria set by the sponsoring entity. For example, corporate entities may offer scholarships to law students as part of their corporate social responsibility initiatives. Additionally, philanthropic foundations and non-profit organizations may establish scholarship programs to support aspiring lawyers from diverse backgrounds.

#### **(4) Institutional Scholarships**

Many law schools and universities in India have their own scholarship programs to assist students with the cost of legal education. These institutional scholarships may be based on academic performance, leadership qualities, extracurricular achievements, or other criteria determined by the respective institutions. Students can apply for these scholarships directly through their educational institutions and may be required to fulfill certain eligibility requirements.

#### **(5) Conclusion**

Scholarships play a pivotal role in making education accessible and affordable for students from diverse backgrounds. Government scholarships provide essential financial support and encourage academic excellence on a national scale. Private scholarships, often funded by individuals, organizations, and corporations, offer tailored opportunities for students with specific talents, achievements, or needs. Institutional scholarships, provided by educational institutions themselves, help attract and support talented students, fostering a thriving academic community. Together, these scholarships bridge financial gaps and enable students to pursue their educational aspirations. They also promote a culture of inclusivity, diversity, and meritocracy, paving the way for future leaders and innovators.

### **1.3. Methods of Study (சட்டத்தை கற்கும் முறைகள்)**

#### **Titles or Topics or Synopsis**

- (1) Introduction
- (2) Reading Case Books
- (3) Lectures and Classes
- (4) Discussion Classes
- (5) Case Analysis
- (6) Legal Research
- (7) Moot Court
- (8) Socratic Method

- (9) Legal Writing
- (10) Internships and Externships
- (11) Conclusion

## **(1) Introduction**

Law students have two main objectives or goals: becoming proficient lawyers and excelling in their law exams. To achieve these goals, they adopt various study methods. One common strategy involves reading cases in legal reports, providing practical examples of how legal principles are applied. Another approach is studying textbooks, which offer thorough explanations of legal concepts and theories. The importance of these two study techniques has been thoroughly examined and debated.

"Article 19(1)(a)" is read as "Article 19, clause 1, subclause (a)".

If it has an additional (i), it is typically read as a paragraph. For example, "Article 19(1)(a)(i)" would be read as "Article 19, clause 1, subclause (a), paragraph (i)".

"உறுப்புரை அல்லது சரத்து அல்லது ஷரத்து 19(1)(a)" " ஷரத்து 19, கூறு 1, உடக்கூறு (a)" என்று வாசிக்கப்படுகிறது. அதற்கு மேலதிக (i) இருந்தால், இது பொதுவாக பத்தி என்று வாசிக்கப்படுகிறது. எடுத்துக்காட்டாக, " ஷரத்து 19(1)(a)(i)" " ஷரத்து 19, கூறு 1, உடக்கூறு (a), பத்தி (i)" என்று வாசிக்கப்படும்.

In some jurisdictions, constitutions use the term "article", but others use the terms "section" and "subsection".

In different jurisdictions, the terms used in constitutions and legal documents can vary. Some constitutions use the term "article" to refer to individual provisions, while others use terms like "section" and "subsection". These variations depend on the legal traditions and drafting styles of the particular jurisdiction.

Section, Subsection, Paragraph, and so on. Section – பிரிவு; Subsection – உட்பிரிவு; Paragraph – பத்தி; Bare Act – நேரடி (அசல்) சட்ட உரை ஆவணம், மூல சட்டம்.

### **Importance of Reading Cases in Legal Reports**

Reading cases in legal reports is essential for studying law. These reports contain judgments and decisions made by courts, which serve as precedents for future legal cases. By analyzing and understanding these cases, law students can develop their legal reasoning skills, learn how legal principles are applied in practice, and gain insights into the interpretation of statutes and regulations. Reading cases also helps students understand the evolution of legal doctrines over time and familiarize themselves with the legal landscape in different jurisdictions.

### **Importance of Reading Textbooks**

Reading textbooks is another crucial method of studying law. Textbooks provide comprehensive explanations of legal concepts, theories, and principles. They offer a structured and organized approach to learning the law, presenting information in a logical and coherent manner. Textbooks often include case summaries, statutory references, and analysis of legal doctrines, making them valuable resources for law students. They also provide a broader understanding of legal topics by discussing different perspectives, scholarly debates, and historical context.

### **Balancing Both Methods**

While both engaging with legal case reports and studying textbooks is crucial, law students must find a balance between the two. Examining case law helps students cultivate analytical and critical thinking abilities, whereas textbooks offer a solid grounding in legal concepts.

By integrating both approaches, students can develop a well-rounded understanding of the law, enhancing their capacity to apply legal principles in practical scenarios.

Studying law encompasses various techniques to grasp and apply legal principles, theories, and concepts.

These techniques are vital for future lawyers and legal professionals seeking a profound comprehension of the law and its applications. Some of the primary study methods in law include:

**(2) Reading Case Books:** Case books are also an important resource for law students. While some law teachers may not recommend their use and advocate for reading cases in full, case books offer two advantages. First, they save students the trouble of making their own case notebooks. Second, they help remove immaterial facts, making it easier to identify legally relevant facts. However, it is important to note that the use of case books does not replace the need to read the original reports, as there may be latest cases not covered by the case book that students may want to explore.

**(3) Lectures and Classes:** The effectiveness of lectures as a means of instruction depends on the particular lecture and lecturer. Lectures can stimulate interest, provide the basis and essentials of a subject, and elucidate broad principles. A lecturer can make complex concepts more easily understood than the words in a book. Additionally, lecturers can bring textbooks up-to-date and address individual difficulties in small class settings. However, average lectures that do not add much value can be a waste of time. It is important for students to actively engage in lectures and avoid mechanically taking notes without understanding the content.

**(4) Discussion Classes:** Discussion classes, also known as class supervision or tutorials, are considered more important and useful than average lectures. These classes focus on legal problems and require active participation from students in working out problems rather than being passive listeners. Smaller class sizes are ideal for fostering meaningful discussions. It is recommended that students develop the habit of working consistently and avoid distractions like alcohol. The author also suggests using a loose-leaf system for note-taking, which allows for easy rearrangement and expansion of notes. Additionally, having a grasp of history is beneficial for studying constitutional and legal history.



(5) **Case Analysis:** One of the fundamental methods in legal education is the analysis of case law. This involves studying judicial decisions, understanding the reasoning behind them, and extracting legal principles from these cases. Case analysis helps students understand how legal principles are applied in real-life situations.

(6) **Legal Research:** Legal research is a critical skill for law students and professionals.

It involves finding relevant statutes, regulations, and precedents to support legal arguments. Legal research methods include using online databases, law libraries, and other resources to locate authoritative sources of law.

(7) **Moot Court:** Moot court is a simulation of a court proceeding where students argue hypothetical cases. This method allows students to develop their advocacy skills, understand courtroom procedures, and apply legal principles in a practical setting.

(8) **Socratic Method:** Commonly used in law schools, the Socratic method involves a professor asking students questions about legal cases and principles to stimulate critical thinking and class discussion. This method encourages students to analyze legal issues from different perspectives.

(9) **Legal Writing:** Effective legal writing is crucial for communicating legal arguments clearly and persuasively. Law students learn to draft memoranda, briefs, and other legal documents using precise language and logical reasoning.

(10) **Internships and Externships:** Practical experience through internships or externships at law firms, government agencies, or legal clinics provides hands-on exposure to the application of law in real-world settings.

This method allows students to observe and participate in legal practice under the guidance of experienced attorneys.

**(11) Conclusion:** The study of law is comprehensive and multifaceted, requiring a variety of methods to fully grasp its complexities. Each method of study offers unique benefits and challenges that contribute to a well-rounded legal education. Reading case books forms the foundation of understanding judicial reasoning and precedent. Lectures and classes provide structured learning and insights from experienced professors, while discussion classes encourage active participation and critical thinking. Case analysis sharpens analytical skills by dissecting legal arguments and decisions.

Legal research is vital for finding precedents and understanding statutory and regulatory frameworks. Moot court experiences simulate real-world litigation, enhancing public speaking, and advocacy skills. The Socratic method promotes deep questioning and intellectual engagement, fostering a rigorous mental discipline essential for legal practitioners. Legal writing hones the ability to craft clear, persuasive, and precise legal documents. Internships and externships offer practical experience, bridging the gap between theoretical knowledge and real-world application.

Together, these methods ensure that students not only acquire substantial legal knowledge but also develop the skills necessary for effective practice. They foster a thorough understanding of the law, critical thinking, and practical abilities, equipping future legal professionals to navigate and contribute to the legal landscape effectively.

By integrating these diverse methods, legal education prepares students to meet the demands of the profession and to uphold the principles of justice and rule of law in society.

In addition to the diverse study methods, collaboration and networking play a crucial role in legal education. Engaging with peers, professors, and professionals through study groups, legal associations,

and academic conferences broadens perspectives and enhances learning.

These interactions provide invaluable opportunities to exchange ideas, debate legal principles, and build a strong professional network. Exposure to different viewpoints and practical experiences through internships and externships further enriches one's understanding and prepares students for the complexities of legal practice. The combination of rigorous academic training and real-world exposure ensures that graduates are well-equipped to navigate and contribute to the ever-evolving legal landscape, advocating for justice and upholding the rule of law.

#### **1.4. Case Law Technique (வழக்குச் சட்டநுட்பம்.)**

##### **Titles or Topics or Synopsis**

- (1) Introduction
- (2) Ratio Decidendi
- (3) Obiter Dictum
- (4) Distinction between Ratio Decidendi and Obiter Dicta
- (5) Divergent Opinion
- (6) The Hierarchy of Authority - Binding Force of Precedents
- (7) Circumstances affecting the weight of a decision as a precedent.
- (8) Conclusion

##### **(1) Introduction**

In the English legal system, the principle of following previous decisions, known as case law or precedent, is a fundamental aspect. The concept of precedent ensures that similar cases are decided alike, providing consistency and predictability in the interpretation and application of the law. When a court makes a decision on a point of law, it becomes a precedent that subsequent courts are bound to follow. Precedents are not merely evidence of the law but are considered a source of law, and the courts are obligated to adhere to established legal principles.

**Ratio Decidendi (முடிவுக்கான காரணம்) and Obiter Dictum (எதேச்சையான).**

## **(2) Ratio Decidendi (முடிவுக்கான காரணம்):**

The term “Ratio Decidendi” originates from Latin and translates to “the reason for the decision.” “Ratio Decidendi” என்ற சொல் இலத்தீன் மொழியிலிருந்து வந்தது மற்றும் “முடிவுக்கான காரணம்” என மொழிபெயர்க்கப்படுகிறது.

It refers to the critical facts and legal principles that form the foundation of a court’s decision in a case. இது ஒரு வழக்கில் நீதிமன்றத்தின் தீர்ப்பின் அடிப்படையைக் கொண்ட முக்கியமான உண்மைகள் மற்றும் சட்டக் கொள்கைகளை குறிக்கிறது.

These are vital to the court’s ruling itself. இவை நீதிமன்றத்தின் தீர்ப்புக்குத் திருப்பமுள்ளவை.

In other words, the ratio decidendi represents the binding part of a judgment—the legal reasoning that directly influences the outcome. மற்ற வார்த்தைகளில், ratio decidendi என்பது நீதிமன்றத் தீர்ப்பின் கட்டாயமான பகுதியை குறிக்கிறது - முடிவை நேரடியாகப் பாதிக்கும் சட்ட தாரகப் பொருள்.

It includes all the principles (whether moral, political, or social) relied upon by the court to justify its decision. இது முற்பகின், அரசியல் அல்லது சமூகத்தின் அனைத்து கொள்கைகளையும் நீதிமன்றம் தனது தீர்ப்பை நியாயப்படுத்துவதற்காக அடிப்படையாகக் கொண்டுள்ளது.

The ratio decidendi consists of the legal points made by all parties involved in the case. Ratio decidendi என்பது வழக்கில் சம்பந்தப்பட்ட அனைத்து தரப்புகளாலும் கூறப்பட்ட சட்டக் கருத்துக்களை கொண்டுள்ளது.

Example: If a court rules that a certain contract is unenforceable due to lack of consideration, the reasoning behind this decision becomes part of the ratio decidendi. எடுத்துக்காட்டாக: ஒரு நீதிமன்றம் ஒரு குறிப்பிட்ட ஒப்பந்தம் பரிசீலனையின்மையின் காரணமாக

அமுல்தவறாக உள்ளது என்று தீர்க்குமானால், இந்த தீர்ப்பின் பின்னணி காரணம் ratio decidendi யின் ஒரு பகுதியாகும்.

### (3) Obiter Dictum (எதேச்சையானது):

The term “**Obiter Dictum**” also comes from Latin and translates to “by the way.” “Obiter Dictum” என்ற சொல் இலத்தீன் மொழியிலிருந்து வந்ததும், “எதேச்சையானது” என்று மொழிபெயர்க்கப்படுகிறது.

Obiter dicta are additional observations, remarks, and opinions made by the judge during the course of a judgment. Obiter dicta என்பது நீதிபதி தமது தீர்ப்பின் போது கூறும் கூடுதல் கவனிக்கக் கூடியவை, கருத்துகள் மற்றும் அபிப்ராயங்கள் ஆகும்.

Unlike the ratio decidendi, obiter dicta are not binding on future cases. Ratio decidendi ஆக, obiter dicta என்பது எதிர்கால வழக்குகளில் பிணைக்கும் நிபந்தனையில்லை.

They address issues beyond the core facts of the case and may touch upon other legal matters. அவை வழக்கின் முக்கிய உண்மைகளை தாண்டி உள்ள பிரச்சினைகளை கையாளுவதற்கும், மற்ற சட்ட விசயங்களையும் தொட்டுக்கொள்ளவும் ஆகின்றன.

These statements are often made “in passing” and do not directly impact the outcome. இந்த புத்திமதிகள் பொதுவாக தான் கருத்தாக்கம் செய்யப்படுகின்றன மற்றும் முடிவினை நேரடியாக பாதிக்கவில்லை.

**Example:** If a judge comments on a related legal issue during the judgment but it is not essential to the case’s decision, that comment falls under obiter dictum. எடுத்துக்காட்டாக: நீதிபதி தீர்ப்பின் போது ஒரு தொடர்புடைய சட்டவழக்கைப் பற்றி கருத்து சொன்னாலும், அது முதன்மையானதாக இல்லாவிட்டால் அக்கருத்து obiter dictum ஆகும்.

**Ratio Decidendi:** The binding legal reasoning that determines the outcome. முடிவைக் காண்பிக்க கூடிய கட்டாயமான சட்ட தாரகப் பொருள்.

**Obiter Dictum:** Non-binding additional remarks made by the judge. நீதிபதி கூறிய கட்டாயமற்ற கூடுதல் கருத்துகள்.

Remember, while the ratio decidendi guides future courts, obiter dicta serve as persuasive statements only.

In legal terms, a judgment consists of various statements made by the court. However, not everything said in a judgment is considered as binding law. Only the "ratio decidendi" forms the legal principle that is binding on future cases. The "ratio decidendi" can be defined as the material facts of the case along with the decision based on those facts.

The material facts are the essential elements of the case that are legally significant. For example, in a negligence case involving a car accident, the defendant's name, address, or complexion are not material facts. However, the fact that the defendant was driving negligently and caused injury to the plaintiff is a material fact. A decision in favor of the plaintiff based on these material facts sets a precedent that a person can be held liable for causing damage through negligent driving.

**In the English legal system, both "ratio decidendi" and "obiter dictum" are Latin terms used to describe different aspects of a court's judgment.**

On the other hand, "obiter dictum" refers to statements made by the court that are not directly relevant to the decision in the case. These statements may provide guidance or opinions on legal issues but are not binding as legal precedent. They are considered as persuasive rather than authoritative.

**Example:** In the case of *Wilkinson v. Downton*, the defendant falsely told the plaintiff that her husband had been severely injured in an accident. As a result, the plaintiff suffered a shock to her nervous system and required medical care.

The court held that the defendant was liable for causing physical harm to the plaintiff. From this case, the broader ratio decidendi that can be extracted is that anyone who willfully performs an act that causes physical harm is liable in tort.

This ratio decidendi was later applied in the case of *Janvier v. Sweeney*, where the defendant threatened to arrest and prosecute a foreign servant girl if she did not provide certain information.

#### **(4) Distinction between Ratio Decidendi and Obiter Dicta**

Understanding the difference between ratio decidendi and obiter dicta is crucial, as it is the ratio decidendi that forms the reason for the decision and creates a binding precedent. Here is a simplified explanation of the two concepts:

##### **Ratio Decidendi:**

**Ratio decidendi** refers to the legal principle that has been formulated and applied in deciding a specific issue in a case. It is the essential part of the judgment that determines the outcome and sets the precedent. When interpreting a decision to extract the ratio decidendi, a judge may take either a restrictive or non-restrictive approach.

**Restrictive distinguishing:** This occurs when a judge interprets the expressed ratio decidendi in a narrow manner to limit its application.

**Non-restrictive distinguishing:** In this case, the court accepts the expressed ratio decidendi without limiting its scope. However, the court finds that the case at hand does not fall within the ratio decidendi due to material differences in the facts.

##### **Obiter Dicta:**

**Obiter dicta** refer to remarks made by a judge in a judgment that are not directly relevant to the decision and do not create binding precedent. They are chance remarks or incidental statements that may discuss legal principles but are not applied to the case.

##### **Obiter dicta are not binding on future courts.**

The respect given to obiter dicta varies based on factors such as the judge's reputation, the court's eminence, and the context of the remarks. Although obiter dicta are not binding, as they may lack full consideration of relevant cases, they remain significant. They

contribute to the rationalization of the law and suggest potential solutions for unresolved legal issues.

The ratio decidendi is the binding legal principle applied to decide a case, while obiter dicta are non-binding remarks made by the court that may offer insights but do not create binding precedent.

**"Ratio decidendi"** translates from Latin to English as **"reason for the decision."**

**"Obiter dicta"** translates from Latin to English as **"other things said"** or **"remarks by the way."**

#### **(5) Divergent Opinion: மாறுபட்ட கருத்துக்கள்**

In the realm of law, a divergent opinion denotes a dissenting view expressed by judges in a court case. When a panel of judges deliberates on a case, they may not always agree, resulting in non-unanimous decisions. In such circumstances, one or more judges may draft a separate opinion, articulating their disagreement with the majority's ruling. These divergent opinions can offer alternative legal interpretations, underscore different legal principles, or present contrasting viewpoints regarding the facts of the case.

Case law technique refers to the analytical approach employed to interpret and apply legal principles that have been established through previous court rulings, commonly referred to as case law or precedent. This technique entails a thorough examination of the facts and legal reasoning from earlier cases that bear similarities to the current dispute, utilizing those insights as a framework to arrive at the appropriate legal resolution.



**The use of case law technique involves several steps:**

**Identifying the legal issue or question at hand.**

**a. Conducting research** to find relevant case law that addresses similar issues.

**b. Analyzing the facts,** reasoning, and legal principles of the identified cases.

**c. Applying the legal principles** from the previous cases to the current case.

**d. Formulating arguments** and making legal arguments based on the precedent.

By following this technique, legal professionals can ensure consistency in the interpretation and application of the law. It allows for the development of legal principles over time and provides guidance for future cases.

In common law jurisdictions, such as India, the case law technique is an essential part of the legal system. It ensures consistency and predictability in the interpretation and application of the law. Judges and legal practitioners rely on previous court decisions to guide their analysis and decision-making processes.

For example, in a case involving a dispute over contract interpretation, a judge in India may use the case law technique to examine previous court decisions that address similar contract issues. By analyzing how courts have interpreted and applied contract law principles in the past, the judge can make an informed decision based on precedent.

Overall, the case law technique is a fundamental tool used in common law jurisdictions to interpret and apply the law consistently. It provides a framework for legal analysis and decision-making, ensuring fairness and predictability in the legal system.

## **(6) THE HIERARCHY OF AUTHORITY - BINDING FORCE OF PRECEDENTS**

The hierarchy of authority within the legal system dictates the binding nature of precedents. Typically, every court is obligated to adhere to the rulings of higher courts within this hierarchy. When an appellate court reverses or overrules a decision made by a lower court, the case that has been reversed or overruled loses all authoritative power. Reversal occurs when the same case is adjudicated differently upon appeal, whereas overruling takes place when a lower court's decision is deemed incorrect in the context of a different case on appeal.

Nonetheless, there are exceptions to this general principle. For instance, the House of Lords in the UK, in a departure from its prior practice, announced in 1966 that it would no longer be bound by its own previous decisions. The Court of Appeal typically binds itself, yet it has the discretion to depart from its own earlier rulings in exceptional circumstances. Such circumstances may include instances where the earlier decision is inconsistent, has been overruled by the House of Lords, or was rendered *per incuriam* (i.e., made in error or without proper consideration of relevant statutes or House of Lords decisions). The Criminal Division of the Court of Appeal, convening as a full court of five judges, has the authority to overrule its own past decision against a defendant; however, it remains bound by its decisions that favor the defendant on substantive legal issues.

Lord Denning, a distinguished judge, championed greater freedom for courts to depart from their own previous decisions, particularly those he believed to be clearly erroneous. Nonetheless, his perspective did not gain traction due to the absence of an appeal mechanism from the House of Lords. The House of Lords asserted that the exceptional provisions allowing the Court of Appeal to deviate from its previous rulings did not exempt it from the authority of the House of Lords itself.

Decisions issued by Divisional Courts serve as binding precedents for magistrates' courts in other matters, and Divisional Courts are also bound by their own rulings. In criminal cases, however, these courts possess the same freedom as the Court of Appeal. The Divisional Court does not impose binding authority on Crown Court judges handling jury trials, as they do not belong to the same judicial hierarchy. The Crown Court, being part of the Supreme Court and holding equal status to the High Court, is not bound by the Divisional Court's rulings.

Single judges of the High Court adjudicating civil cases bind County Courts and magistrates within their jurisdiction, but they do not have the power to absolutely bind other High Court judges. Should there be discrepancies between decisions made by High Court judges, these conflicts must be resolved by the Court of Appeal. Moreover, decisions from courts subordinate to the High Court do not establish binding precedents and do not bind themselves.

**(7) CIRCUMSTANCES AFFECTING THE WEIGHT OF A DECISION AS A PRECEDENT** (முன்னுதாரணமாக ஒரு முடிவின் முக்கியத்துவத்தை பாதிக்கும் சூழ்நிலைகள்)

The hierarchy of authority and the binding force of precedents in the Indian legal system are similar to the principles discussed earlier. The Supreme Court of India holds the highest authority and its decisions are binding on all other courts in the country. When the Supreme Court interprets the Constitution or establishes legal principles, those decisions become precedents that guide the lower courts.

In India, the weight of a decision as a precedent is influenced by factors such as the prominence of the judges, reserved judgments, frequently cited decisions, and judgments that create expectations in commercial or proprietary matters. The authority of a decision decreases with strong dissenting opinions, disagreements among the majority, and failure to cite conflicting cases.

Judges are not bound to decide cases in a specific way and must consider justice, convenience, public policy, morality, and analogy. They must also balance stability and certainty in the law with the need for change. The Supreme Court of India plays a vital role in shaping jurisprudence and establishing binding precedents for all other courts in the country.

#### **(8) Conclusion:**

Understanding case law techniques is fundamental to navigating the legal landscape. Ratio Decidendi and Obiter Dictum are critical concepts, each serving distinct roles in judicial decisions. Ratio Decidendi constitutes the binding legal principle derived from a case, forming the foundation for future judicial decisions. In contrast, Obiter Dictum comprises supplementary remarks or observations made by a judge that, while insightful, do not have the same binding authority.

Recognizing the distinction between these two concepts is crucial for legal practitioners when citing precedents. Divergent Opinions, or dissenting judgments, provide alternate perspectives and contribute to the evolution of legal thought, although they do not hold binding authority. The Hierarchy of Authority ensures that decisions from higher courts have a binding effect on lower courts, maintaining consistency and stability within the legal system.

Various circumstances can affect the weight of a decision as a precedent, including the authority of the court, the specificity of the case facts, and subsequent legal developments. By integrating these elements, legal professionals can navigate the complexities of case law, ensuring their arguments are robust and grounded in authoritative precedents. Ultimately, mastering these techniques not only enhances one's legal acumen but also contributes to the integrity and consistency of the legal system.

### 1.5. Working out Problems (பிரச்சினைகளை தீர்வு காண்பது / பிரச்சினைகளை நிரவல் செய்வது)

I scarcely think it is harder to resolve very difficult cases in law, than it is to direct a young gentleman what course he should take to enable himself so to do.

—Sir Roger North, On the Study of the Laws.

ஒரு இளைஞரை அவன் அதனைச் செய்யத் தயார்படுத்த எவ்வாறு வழிகாட்ட வேண்டும் என்பதை தீர்மானிப்பதை விட, சட்டத்தில் மிகக்கடினமான வழக்குகளைத் தீர்க்குவது மிகவும் கடினமாக இருக்கும் என்று நான் கிட்டத்தட்ட நினைக்கிறேன்.

—சர் ரோஜர் நார்த், சட்டத்தின் ஆய்வு.

#### Titles or Topics or Synopsis

- (1) Introduction
- (2) Facts Stated in the Problem are Conclusive
- (3) Omitted Facts
- (4) Reasonableness of Delay
- (5) Importance of Omitted Facts
- (6) Two points of Technique
- (7) Doubt
- (8) Problems on Statutes
- (9) Relevancy
- (10) Questions divided into parts
- (11) The overlapping of subjects
- (12) The answering of problems in criminal law
- (13) The answering of problems in tort
- (14) Conclusion

#### (1) Introduction

Understanding and resolving legal problems requires a methodical approach and keen attention to detail. The complexity of legal issues often involves analyzing the facts, considering the relevance of omitted information, and evaluating the reasonableness of any delays.

By mastering various techniques, such as understanding the distinction between facts stated and omitted, recognizing the importance of context, and applying specific approaches to criminal law and torts, legal professionals can enhance their problem-solving skills. This guide explores essential elements of working out legal problems and provides insights into effectively addressing issues across different areas of law.

## **(2) Facts Stated in the Problem are Conclusive: Examining the Significance of Conclusive Facts in Legal Problem Solving**

A fact is something that is known to have happened or to exist, especially something for which proof exists or about which there is information. ஒரு உண்மை என்பது நடந்ததாகவோ அல்லது இருப்பதாகவோ அறியப்படும் ஒரு விஷயம் ஆகும், குறிப்பாக அதற்கான ஆதாரம் இருந்தாலோ அல்லது அதைப் பற்றிய தகவல் இருந்தாலோ.

In the realm of legal education, a common query often arises when students encounter examination problems: "How can the stated facts be proven?" In response, teachers assert that students must accept these facts as given, without delving into the intricacies of their proof. Interestingly, many seemingly unprovable facts can be substantiated in practice, provided the opposing party is prepared to challenge them. Nevertheless, students need not concern themselves with the **burden of proof** in this context.

சட்டக் கல்வியின் உலகில், மாணவர்கள் பரீட்சைப் பிரச்சினைகளை சந்திக்கும் போது பொதுவான கேள்வி ஒன்று எழுகிறது: "கூறப்பட்ட உண்மைகளை எவ்வாறு நிரூபிக்க முடியும்?" பதிலுக்கு, ஆசிரியர்கள், மாணவர்கள் இந்த உண்மைகளை நிரூபிக்காவிட்டால் உண்மைகளை ஏற்றுக்கொள்ள வேண்டும் எனக் கூறுகிறார்கள். சுவாரஸ்யமாக, பல நிரூபிக்க முடியாத உண்மைகள் நடைமுறையில் நிரூபிக்கப்பட முடியும், எதிர் தரப்பு அதை சவால் செய்யத் தயாராக இருந்தால். இருப்பினும், இந்த சூழலில் மாணவர்கள் **சான்றுகளின் மெய்ப்பிக்கும் பொறுப்பு** பற்றித் கவலைப்பட வேண்டியதில்லை.

When presented with an examination problem, it is crucial for students not to assume facts contrary to those explicitly stated.

The purpose of their response should focus solely on the information provided by the examiner. Generally, there is no need to speculate about additional facts beyond what the problem presents. If the examiner desired a discussion of such facts, they would have included them.

ஒரு பரீட்சை சிக்கல் முன்வைக்கப்படும் போது, மாணவர்கள் வெளிப்படையாக கூறப்பட்டவற்றுக்கு முரணான உண்மைகளை கருதக்கூடாது என்பது முக்கியம். அவர்களின் பதிலின் நோக்கம், பரீட்சையாளரால் வழங்கப்பட்ட தகவல்களில் மட்டுமே கவனம் செலுத்த வேண்டும். பொதுவாக, பிரச்சினை என்ன என்பதைத் தவிர கூடுதல் உண்மைகளைப் பற்றி ஊகிக்கத் தேவையில்லை. இதுபோன்ற உண்மைகள் குறித்து விவாதிக்க வேண்டுமென்று தேர்வாளர்கள் விரும்பியிருந்தால், அவை சேர்க்கப்பட்டிருக்கும்.

To illustrate this point, let us consider a criminal law problem that deliberately confines the facts to a narrow scope. In this scenario, individuals X and Y discover that Z intends to commit a burglary in A's house. X and Y then collaborate to persuade Z to steal specific items from the premises on their behalf. The question at hand is whether X, Y, or Z have committed an offense based solely on the given facts.

இந்த விடயத்தை விளக்குவதற்கு, ஒரு குற்றவியல் சட்ட சிக்கலைக் கருத்தில் கொள்வோம், இது வேண்டுமென்றே உண்மைகளை ஒரு குறுகிய எல்லைக்குள் மட்டுப்படுத்துகிறது. இந்த சூழ்நிலையில், தனிநபர்கள் X மற்றும் Y ஆகியோர் Z ஒருவரின் வீட்டில் ஒரு திருட்டைச் செய்ய திட்டமிட்டுள்ளதைக் கண்டுபிடிப்பார்கள். பின்னர் X மற்றும் Y ஆகியோர் இணைந்து Z அவர்களது சார்பாக குறிப்பிட்ட பொருட்களை அந்த வளாகத்தில் இருந்து திருட வேண்டும் என்று வற்புறுத்துகின்றனர். X, Y, அல்லது Z ஆகியோர் கொடுக்கப்பட்ட உண்மைகளை மட்டுமே அடிப்படையாகக் கொண்டு குற்றம் செய்திருக்கிறார்களா என்பதுதான் கேள்வி.

The usage of the perfect tense in the question makes it evident that no assumptions should be made beyond the facts stated in the initial sentence. Therefore, any answer assuming that X and Y have

successfully persuaded Z to steal or that Z has committed theft would be incorrect.

The correct response to this question is that X and Y are culpable for conspiring to incite or commit burglary or theft. It is important to note that there are technical nuances related to the charge that are beyond the scope of this discussion.

Understanding the conclusive nature of the facts presented in a legal problem is crucial for students to provide accurate and relevant responses. By adhering to the given context and refraining from assuming unmentioned details, aspiring legal minds can develop sound analytical skills necessary for their future endeavors.

### **(3) Omitted Facts (விடுபட்ட உண்மைகள் (Vidupatta Uṇmaikal!))**

#### **Omitted Facts in Legal Problems**

In legal problems, it is common for certain facts to be omitted, and it is important to identify these omissions and consider how they may affect the answer. Omitted facts can significantly impact the analysis and outcome of a legal problem. Let's explore a few examples to illustrate this point.

சட்ட சிக்கல்களில், சில உண்மைகள் தவிர்க்கப்படுவது பொதுவானது, மேலும் இந்த தவிர்ப்புகளை அடையாளம் கண்டு, அவை பதிலை எவ்வாறு பாதிக்கும் என்பதைக் கருத்தில் கொள்வது முக்கியம். தவறவிட்ட உண்மைகள் ஒரு சட்ட சிக்கலின் பகுப்பாய்வு மற்றும் முடிவை கணிசமாக பாதிக்கும். இதை விளக்குவதற்கு சில உதாரணங்களை ஆராய்வோம்.



### Example 1: Liability for an Accident (உதாரணம் 1: விபத்துக்கான பொறுப்பு)

In the first example, the problem states that B, who is A's employee, causes an accident due to negligence while driving A's van and giving a lift to his friend C. Two vital facts are omitted from this problem:

முதல் எடுத்துக்காட்டில், A இன் பணியாளரான B, A இன் வேளை ஓட்டும் போது மற்றும் அவரது நண்பரான C க்கு லிஃப்ட் கொடுக்கும்போது கவனக்குறைவால் விபத்து ஏற்படுகிறது என்று சிக்கல் கூறுகிறது. இந்த பிரச்சனையில் இரண்டு முக்கிய உண்மைகள் தவிர்க்கப்பட்டுள்ளன:

**The identity of the injured party:** The problem does not specify whether C or another user of the highway was injured. The answer may differ depending on who was injured, so each possibility should be discussed separately.

**காயமடைந்த தரப்பினரின் அடையாளம்:** C அல்லது மற்றொரு நெடுஞ்சாலை பயனருக்கு காயம் ஏற்பட்டதா என்பதை சிக்கல் குறிப்பிடவில்லை. யார் காயமடைந்தார் என்பதைப் பொறுத்து பதில் வேறுபடலாம், எனவே ஒவ்வொரு சாத்தியமும் தனித்தனியாக விவாதிக்கப்பட வேண்டும்.

**The location of the station:** The problem does not mention whether the station was on or near B's proper route or significantly off the route. This distinction is important because it affects the analysis of whether B's actions were within the scope of his employment.

**நிலையத்தின் இருப்பிடம்:** நிலையம் B இன் சரியான பாதையில் இருந்ததா அல்லது அருகில் இருந்ததா அல்லது பாதையில் இருந்து கணிசமாக விலகி இருந்ததா என்பது பிரச்சனையில் குறிப்பிடப்படவில்லை. இந்த வேறுபாடு முக்கியமானது, ஏனெனில் இது B இன் நடவடிக்கைகள் அவரது வேலையின் எல்லைக்குள் இருந்ததா என்பதைப் பற்றிய பகுப்பாய்வைப் பாதிக்கிறது.

By considering these omissions, the answer can be more comprehensive and accurate. இந்த தவிர்த்தினைக் கருத்தில்

கொண்டு, விடை இன்னும் முழுமையானதாகவும் துல்லியமாகவும் இருக்கும்.

### **Example 2: Criminal Responsibility (குற்றவியல் பொறுப்பு)**

In the second example, A kills his baby, mistaking it for a rabbit. The problem does not explicitly state whether A was insane at the time of the deed. However, it is reasonable to wonder about A's mental state and consider the possibility of insanity as an omitted fact. Additionally, the problem does not indicate whether A's mistake was an act of folly or if it occurred during a dream. These possibilities should be explored in the analysis, resulting in two parts: one assuming A was sane and the other assuming A was insane.

இரண்டாவது உதாரணத்தில், A தன் குழந்தையை ஒரு முயலாக நினைத்து கொன்றுவிடுகிறான். பிரச்சனை A செயலின் போது பைத்தியம் என்று வெளிப்படையாக கூறவில்லை. எவ்வாறாயினும், A இன் மனநிலை பற்றி ஆச்சரியப்படுவது நியாயமானது மற்றும் பைத்தியம் என்ற சாத்தியத்தை ஒரு தவிர்க்கப்பட்ட உண்மையாக கருதுவது நியாயமானது. கூடுதலாக, A இன் தவறு ஒரு முட்டாள்தனமான செயலா அல்லது அது ஒரு கனவின் போது நிகழ்ந்ததா என்பதை பிரச்சனை குறிக்கவில்லை. இந்த சாத்தியக்கூறுகள் பகுப்பாய்வில் ஆராயப்பட வேண்டும், இதன் விளைவாக இரண்டு பாகங்கள் உள்ளன: ஒன்று A ஆரோக்கியமானவர் என்று கருதி, மற்றொன்று A பைத்தியம் என்று கருதி.

### **Example 3: Cutting the Rope (கயிற்றை வெட்டுதல்)**

In the third example, A, a mountaineer, cuts the rope connecting him to his fellows to prevent them from dragging the leader of the party to death. The problem does not explicitly state whether A's fellows were killed or injured as a result of his actions. It is necessary to assume that they were killed or injured to create a legal problem. The problem also does not mention whether A's objective was solely to save the leader or if he intended to save himself as well. This distinction is important because it affects the analysis of A's criminal responsibility. Considering these omissions, the answer should address the assumptions made and discuss the legal implications.

மூன்றாவது எடுத்துக்காட்டில், A, மலையேறுபவர், கட்சியின் தலைவரை மரணத்திற்கு இழுத்துச் செல்வதைத் தடுக்க, அவரைத் தனது தோழர்களுடன் இணைக்கும் கயிற்றை அறுத்தார். A-ன் செயல்களின் விளைவாக A இன் கூட்டாளிகள் கொல்லப்பட்டார்களா அல்லது காயமடைந்தார்களா என்பதை பிரச்சனை வெளிப்படையாகக் கூறவில்லை. சட்டச் சிக்கலை உருவாக்க அவர்கள் கொல்லப்பட்டனர் அல்லது காயமடைந்தனர் என்று கருதுவது அவசியம். A இன் நோக்கம் தலைவரைக் காப்பாற்றுவது மட்டும்தானா அல்லது அவர் தன்னைக் காப்பாற்றிக் கொள்ள நினைத்தாரா என்பதும் பிரச்சனையில் குறிப்பிடப்படவில்லை. இந்த வேறுபாடு முக்கியமானது, ஏனெனில் இது A இன் குற்றப் பொறுப்பின் பகுப்பாய்வைப் பாதிக்கிறது. இந்த விடுபடல்களைக் கருத்தில் கொண்டு, பதில் அனுமானங்களை நிவர்த்தி செய்து சட்டரீதியான தாக்கங்களைப் பற்றி விவாதிக்க வேண்டும்.

**Example 4:** To analyze the given problem and determine the existence of a contract, we need to consider the sequence of events and the actions of both parties involved. எடுத்துக்காட்டு 4: கொடுக்கப்பட்ட சிக்கலை பகுப்பாய்வு செய்து ஒப்பந்தத்தின் இருப்பை தீர்மானிக்க, நிகழ்வுகளின் வரிசையையும் சம்பந்தப்பட்ட இரு தரப்பினரின் செயல்களையும் நாங்கள் கருத்தில் கொள்ள வேண்டும்.

#### Sequence of Events:

1. A telegraphed an offer to sell his library to B for £1,000.
2. B telegraphed in reply: "Will give £900. B."
3. A day elapsed with no further communication.
4. At 9 a.m., A handed a telegram to the post office, stating: "You can have the library for £900. A."
5. At exactly the same moment, B handed a telegram to the post office, stating: "Cancel my first telegram. I will take the library for £1,000. B."
6. A received B's telegram at 9.30 a.m.
7. B received A's telegram at 9.40 a.m.

**நிகழ்வுகளின் வரிசை:** (1.) ஒரு தந்தி மூலம் தனது நூலகத்தை Bக்கு £1,000க்கு விற்பதற்கான வாய்ப்பை அனுப்பினார். (2.) B பதில் தந்தி அனுப்பியது: “£900 தருகிறேன். B.” (3.) எந்த தொடர்பும் இல்லாமல் ஒரு நாள் கழிந்தது. (4.) காலை 9 மணிக்கு, A அஞ்சல் அலுவலகத்திற்கு ஒரு தந்தியைக் கொடுத்தார்: “நீங்கள் அந்த நூலகத்தை £900க்கு வைத்துக் கொள்ளலாம். A.” (5.) சரியாக அதே நேரத்தில், B தபால் அலுவலகத்திற்கு ஒரு தந்தியைக் கொடுத்தார்: “எனது முதல் தந்தியை ரத்து செய். நான் £1,000க்கு நூலகத்தை எடுத்துக் கொள்கிறேன். B.” (6.) A 9.30 மணிக்கு B இன் தந்தியைப் பெற்றார் (7.) B 9.40 மணிக்கு A இன் தந்தியைப் பெற்றார்

**Analysis:** The crucial factor in determining the existence of a contract lies in whether A's delay in replying to B's counter-offer of £900 was unreasonable. If the delay was unreasonable, B's counter-offer would have lapsed, and there would be no contract. If the delay was reasonable, the offer would still be valid when A handed in his acceptance telegram, completing the contract.

**பகுப்பாய்வு:** ஒரு ஒப்பந்தத்தின் இருப்பைத் தீர்மானிப்பதில் முக்கியமான காரணி, B இன் எதிர்ச் சலுகையான £900க்கு பதில் அளிப்பதில் A இன் தாமதம் நியாயமற்றதா என்பதில் உள்ளது. தாமதம் நியாயமற்றதாக இருந்தால், B இன் எதிர்ச் சலுகை காலாவதியாகி இருக்கும், மேலும் ஒப்பந்தம் இருக்காது. தாமதம் நியாயமானதாக இருந்தால், ஒப்பந்தத்தை நிறைவுசெய்து, A தனது ஏற்புத் தந்தியை வழங்கும்போது, சலுகை செல்லுபடியாகும்.

#### (4) Reasonableness of Delay (தாமதத்தின் நியாயத்தன்மை)

The rule of law states that an offer by telegram presumes a speedy reply (*Quener-duaine v. Cole*). Therefore, a delay of a whole day would normally be considered too long. However, in this case, it is important to note that A initiated the telegraphing business, not B. B may have sent his counter-offer by telegram out of politeness rather than urgency.

It is uncertain whether the rule in *Quener-duaine v. Cole* would apply in this situation since a court would not speculate on the reasons behind B's choice to telegraph instead of writing. However, it is likely

that the court would apply the rule, considering the general expectations associated with telegraphed offers.

The question at hand revolves around whether the delay of one day in A's reply to B's counter-offer of £900 was unreasonable.

If the delay was unreasonable, then B's counter-offer would have lapsed, and there would be no contract. On the other hand, if the delay was not unreasonable, the offer would still be valid when A handed in his acceptance telegram, completing the contract.

It is important to note that it is not possible to confidently determine whether the delay was unreasonable in this case. The only legal rule is that an offer by telegram raises the presumption of expecting a speedy reply (*Quener-duaine v. Cole*). Therefore, a delay of one whole day would typically be considered too long.

However, it should be observed that in this problem, the telegraphing business was initiated by A, not B. B may have chosen to send his counter-offer by telegram out of politeness rather than a sense of urgency. Consequently, it is uncertain whether the rule in *Quener-duaine v. Cole* would be applicable in this situation. A court may not speculate on the reasons that prompted B to choose telegraphy over writing.

There is more to say about this problem, but the essence of it is this question of fact. (Although telegrams are now little used in business matters, the question could arise in connection with international cables.)

It may be added that where facts are given from which the negligence or unreasonableness (or absence of it) may be inferred, you should argue from these facts in much the same way as if you were addressing a jury. But, as I have said, your opinion on this should not (except in a completely unarguable case) deter you from taking the problem each way.

## **(5) Importance of Omitted Facts**

Omitted facts play a crucial role in legal problem-solving. They require careful consideration to ensure a comprehensive analysis and accurate conclusion. When an omitted fact can be reasonably inferred from the given information, it is important to explicitly state the assumption made. If there is any doubt about the implication of a fact, it is advisable to consider the problem from both perspectives, assuming the fact exists and assuming it does not exist.

In legal problem-solving, identifying and addressing omitted facts is essential for a thorough analysis. Omitted facts can significantly impact the outcome of a legal problem, and considering them allows for a more accurate and comprehensive response.

## **(6) Two points of Technique**

The excerpt discusses two points of technique when answering a problem question in an exam.

### **1. Concluding the statement of facts:**

Some examiners may conclude the statement of facts by directing you to discuss it, while others may request you to advise one of the parties involved. It's important to note that when the question asks for advice to a specific party, it does not mean you should bias your answer in their favor. The legal advice you provide in your answer will generally be the same regardless of the party you are supposed to be advising. However, there may be some practical advice specific to the party you are advising, and you should follow the examiner's direction as much as possible.

### **2. Using an impersonal answer:**

The excerpt advises against using the second person in your answer. Instead, you should make your answer impersonal. For example, rather than saying "You are liable," you should say "X is liable." This helps maintain objectivity in your response and avoids any confusion or potential bias.

Additionally, if the examiner has used fictitious names like Tomkins, you are allowed to abbreviate them to the initial letter, unless there are multiple parties with the same initial letter in the same problem.

Overall, the main points to remember are to provide objective advice and maintain an impersonal tone in your answer, while also considering any practical advice specific to the party you are supposed to be advising.

### **Rules and Authorities**

A few remarks on providing reasons and authorities for an opinion: A bare answer to a problem, even if correct, will not earn many (or possibly any) marks because the examiner cannot determine whether the student possesses actual knowledge or is merely guessing. Therefore, reasons and authorities should always be provided. Imagine that the examiner disagrees with your point of view and set out to win them over with your argument.

One of the most important skills a lawyer can have is the ability to classify facts into their legal categories. Thus, students should diligently argue using legal rules and concepts. It is a common fault, particularly in criminal law, to give the impression that the answer is based solely on common sense and a few snippets from the Sunday newspapers. The following illustration of a question and answer in criminal law demonstrates this:

**Q:** A fire engine driven at full speed to a fire knocks down and kills someone. Discuss the criminal responsibility of the driver.

Student's answer: "If the driver has been careful, he is not responsible.

(1) It is a well-known custom that as soon as a fire engine's siren is heard, other vehicles should pull over to the side of the road to allow free passage. Therefore, it is safe for a fire engine driver to proceed at a higher speed than would be possible for other drivers. Further (2), it is reasonable for a fire engine to proceed quickly to a fire, as life and property may be in danger. However, I do not place much weight on this second ground, as the importance of extinguishing a

fire, great though it may be, is not sufficiently great to justify the driver in leaving a trail of destruction behind him."

Upon reading this answer, the examiner may well comment: "A commendable effort by an intelligent student who has not read the textbook and knows no criminal law." To be complete, the answer should have stated the crimes for which the driver might be prosecuted (manslaughter, causing death by reckless driving, or, in the magistrates' court, driving without due care and attention); it should have outlined the requirements of each crime, as relevant; and it should have noted that the burden of proving these requirements beyond reasonable doubt lies with the prosecution. Additionally, it should have discussed the possible defense of necessity, explicitly referring to it by that name, rather than vaguely as in the last two sentences of the student's answer. Placed in this legal context, the answer would have been first-rate.

It's not ideal to start a problem answer by listing a series of cases. Instead, focus on the problem itself first. If the law is straightforward, state the law first and then cite the relevant authorities. If the law is ambiguous, outline the legal question first and then present the authorities that relate to it.

When citing cases, merely giving the name is of little use. What is needed is not only the name but also a statement of the legal points involved in the decision and possibly a consideration of its standing—whether it has been approved or criticized. This holds true even if the case directly covers the problem, and even more so when the case is not entirely aligned with the problem. New legal points often arise, and a lawyer, when advising their client, must essentially predict the probable decision of the court. In examinations, problems are often based on legal points not exactly covered by authority. A candidate who fails to recognize this nuance cannot achieve a first-class mark on that question. The late Dr. Coulton, in his autobiography, recounted a tale of a great mathematical teacher at Cambridge who met a candidate in the College court just after the Tripos.

"That was an exceptionally good answer of yours, A, to the sixteenth question." "Yes, sir, but it was a well-crafted question, wasn't it?" To



foster this mutual respect between yourself and your examiner, show appreciation by identifying the core issue of the problem. Consider what point it raises that isn't explicitly covered by existing authority.

Neglecting to adhere to this common-sense rule is a typical mistake made by novices. Consider, for example, the "mountaineering" problem previously mentioned (p.115). Many beginners believe they have adequately solved this problem by citing *R. v. Dudley and Stephens* and asserting that necessity is not a valid defense. However, with further reflection, they would recognize several differences between *R. v. Dudley and Stephens* and the specifics of their problem. While it can't be confidently stated that any of these distinctions would necessarily be persuasive to a judge, they are potential differences that an experienced counsel would certainly emphasize for the defense. These distinctions include:

(1) In *Dudley and Stephens*, there was a choice as to who would die. This case involved three men and a cabin boy who were stranded in an open boat after their yacht, the *Mignonette*, wrecked. On the twentieth day, two of the men killed the boy for food, and they were rescued four days later. The two men were convicted of murder.

These facts differ significantly from our problem. In our scenario, there seems to be no choice about who will die; it appears to be a question of whether some or all will perish. In *Dudley and Stephens*, the jury noted that the boy was much weaker than the others and likely to die before them, but they did not find that the boy couldn't have survived if one of the others had been killed for food. As long as the boy had a chance of survival, he had the same right to it as the others. In our problem, the men cut away may have no chance of survival at all.

(2) In *Dudley and Stephens*, it wasn't certain that the two defendants would have died if they hadn't killed the boy. The jury only found that they probably wouldn't have survived until rescue. In our scenario, the death of the leader might be certain if the rope isn't cut, but merely probable. This isn't a strong distinction, since the jury in *Dudley and Stephens* also found that "at the time of the act there was no sail in sight, nor any reasonable prospect of relief." If the law recognizes necessity as a defense, it should be based on the facts as they

appeared to the defendant at the time.

(3) In *Dudley and Stephens*, the cabin boy's actions did not contribute to the others' peril. In our scenario, however, the men being cut away are the ones dragging the leader toward death. They can't help it, but does that matter? If a lunatic attacks me, I have the right to defend myself, even if the attacker isn't criminally responsible. Similarly, I'm entitled to defend another person. Isn't our situation a case of defending another?

**Another illustration, this time from the law of contract, is as follows:**

A offers to sell his horse, Phineas, to B for £100. B posts an acceptance letter, but it is misdirected and arrives a week late. In the meantime, A sells Phineas to C.

Many beginners approach this problem by simply citing *Household Fire Insurance Co. v. Grant* or similar authorities, stating that an offeror can be bound by a contract even if they never receive the acceptance, as the contract is considered complete upon dispatch of the acceptance letter. However, the key issue here is whether Grant's case applies to a misdirected acceptance letter.

Students who miss this point may be avoiding the difficulty of the question due to a misguided desire for self-preservation. They sense the complexity but choose not to engage with it. If they only realized that addressing this legal difficulty, even without providing a solution, would earn them more marks than ignoring it, they might approach the question differently.

By acknowledging the challenge and noting the lack of direct authority on the matter, students could distinguish it from Grant's case and offer reasons for this distinction. This analytical approach could lead to a higher grade instead of a borderline pass.

One effective argumentative technique is to consider an extreme case. As Alice lamented, "I took an extreme case," referring to her preceptress's advice to use such examples when in doubt. While this may elicit tears, it can also clarify complex issues.

To analyze our problem from a more extreme perspective, we can extend the timeline of the misdirected acceptance. A week's delay may not seem excessive, so let's imagine that the letter took two months to arrive or perhaps never arrived at all.

This adjustment heightens the stakes and raises crucial questions about the principles at play. If the acceptance is delayed by such a significant duration or lost entirely, one must examine the implications for the formation of the contract, especially regarding A's ability to sell Phineas to C without breaching any legal obligations to B. Exploring these scenarios can better illuminate the nuances of communication and acceptance in contract law.

If B's acceptance letter had been properly directed, a valid contract would have existed, and A would have been liable for damages for failing to deliver the horse. This strict principle can seem harsh from A's perspective (I find it an unreasonable rule, and I hope that if you, the reader, are destined to become Lord Chancellor, you will advocate for change). However, applying the same principle in cases where B carelessly misdirects the letter, leading to significant delay or loss, would be even more unjust. Thus, the rule from Grant's case cannot be applied in such circumstances.

If we accept this distinction, the next question is what to make of the situation. One must contemplate deeply before arriving at a conclusion. The pivotal question is whether B's acceptance is considered valid from the moment A receives it. If this is the case, a contract would be valid as long as the week-long delay is not deemed unreasonable.

Under this interpretation, since A did not revoke his offer before B's acceptance, he would be liable to B for breach of contract if he fails to deliver the horse.

Conversely, if the delay is judged to be unreasonable, then no contract would exist.

An alternative perspective posits that B's letter of acceptance is a nullity, even if it arrives on time. When A makes the offer to B, he implicitly authorizes B to accept the offer by posting a letter, but this authorization hinges on the assumption that the letter is properly addressed. If the letter is misdirected, it can be argued that there is no valid acceptance, regardless of its timely delivery by the Post Office.

While I am not convinced that this alternative view is correct, it could be a compelling argument to present in court. By suggesting this interpretation, one can explore the nuances of contract law concerning the requirements for valid acceptance and the implications of misdirection.

The overarching / general lesson here is to engage critically with legal issues and have the confidence to argue your perspective. When a case appears to sit between two authorities, it may reveal a deeper conflict of principles, suggesting that one of the decisions may have been incorrect. Alternatively, you might find meaningful distinctions between the two authorities. In such cases, it becomes essential to assess the problem through the lens of general legal principles or public policy in order to determine which authority applies. This situation was aptly described by Paley, an 18th-century theologian, as the "competition of opposite analogies."

To summarize, when a problem can be distinguished from the closest authority or authorities, a careful analysis of these possible distinctions should always be provided. This is particularly crucial if the authority has been doubted by judges or criticized by legal writers. Even if the student does not feel capable of discussing the various distinctions, they should still highlight their existence. Distinctions should be mentioned even if the student believes they are not significant, as it may be argued they are.

If there is a possibility that the authority in question could be overruled, it is even more important to mention its status in the judicial hierarchy and state any objections that have been raised against it.

When quoting multiple cases, it is generally best to quote the nearest authority first and devote the most space to it. The other cases can be mentioned more briefly as time permits. When you have read a case in the reports or in a casebook, try to convey this by referring to an opposite passage in the judgment or another relevant detail, indicating that you have not merely relied on a textbook.

If you know that there is no case directly bearing on the problem, state this. The absence of authority itself is valuable information. If the authority for a proposition is a statute, mention this, even if you have forgotten the statute's name.

### **(7) Doubt (சந்தேகம்)**

When the law is uncertain or doubtful, making a categorical statement about the rule will earn few marks. This is especially important when answering problems. If the answer is unclear, acknowledge this and suggest what the answer should be. It's a mistake to feign confidence without certain knowledge.

When discussing a "moot" problem, avoid weak conclusions like "A is perhaps liable." Instead, state that if the facts are one way, A is liable; if they are another, A is not. Or, if the court follows *Smith v. Jones*, A will be liable; but if it follows *Robinson v. Edwards*, A will not be liable, for reasons previously discussed.

A point can often be scored by demonstrating that the law applicable to a problem may depend upon the court before which the case is heard. For example, there are some decisions of the Court of Appeal, like that in *Musgrove v. Pandelis*, that would probably be reluctantly followed by the Court of Appeal but would almost certainly be overruled by the House of Lords. Consequently, the "law" on the subject of *Musgrove v. Pandelis* (strict liability for petrol in the tank of a car) may depend upon the number of appeals that the client is prepared to take.

## (8) Problems on Statutes (சட்டங்களில் உள்ள பிரச்சினைகள்)

A problem may be set on a statute as well as on a case. You must then recall the words of the statute as best you can, apply them to the problem and, as in all problems, look for the 'catch.' Here is an illustration from constitutional law:

ஒரு பிரச்சினை ஒரு சட்டத்தின் அடிப்படையிலும் ஒரு வழக்கின் அடிப்படையிலும் இருக்கலாம். சட்டத்தின் வார்த்தைகளை முடிந்தவரை துல்லியமாக நினைவு கூர்ந்து அவற்றை பிரச்சனைக்கு பொருத்தி, எல்லாப் பிரச்சனைகளிலும் போலவே, 'பிடிப்பு'யைத் தேட வேண்டும். அரசியலமைப்புச் சட்டத்திலிருந்து ஒரு எடுத்துக்காட்டு இங்கே கொடுக்கப்பட்டுள்ளது:

Aikenhead J., a judge of the High Court, is convicted of driving under the influence of alcohol. Can he be dismissed from his judicial office, and if so, by whom?

குடிபோதையில் வாகனம் ஓட்டிய குற்றத்திற்காக உயர்நீதிமன்ற நீதிபதியான அய்கன்ஹெட் ஜே. அவரது நீதித்துறை அலுவலகத்தில் இருந்து அவரை நீக்க முடியுமா, அப்படியானால், யாரால்?

The attitude of students towards a problem like this varies. Some, though knowing the terms of the Act of Settlement or a similar statute now in force, steer clear of the problem because they are afraid of it. Others simply write down:

இது போன்ற பிரச்சனைகளுக்கு மாணவர்களின் அணுகுமுறை மாறுபடும். சிலர், தீர்வுச் சட்டத்தின் விதிமுறைகள் அல்லது இப்போது நடைமுறையில் உள்ள அதே போன்ற ஒரு சட்டத்தின் விதிமுறைகளை அறிந்திருந்தாலும், அவர்கள் அதைக் கண்டு பயப்படுவதால், சிக்கலைத் தவிர்க்கிறார்கள். மற்றவர்கள் வெறுமனே எழுதுகிறார்கள்:

"By the Act of Settlement 1701, 'Judges' Commissions [shall] be made quamdiu se bene gesserint, but upon the Address of both Houses of Parliament it may be lawful to remove them.' Aikenhead J. can be removed under this provision."

"1701 ஆண்டு தீர்வுச் சட்டத்தின்படி, 'நீதிபதி ஆணைக்குழுக்கள் நன்றாக நடந்து கொண்டவர்களாக இருக்கும் வரை வழங்கப்படும், ஆனால் பாராளுமன்றத்தின் இரு அவைகளின் முகவரியின் பேரில் அவற்றை நீக்குவது சட்டபூர்வமாக இருக்கலாம்.' இந்த விதியின் அடிப்படையில், ஐக்கென்ஹெட் ஜே. நீக்கப்படலாம்."

According to the Act of Settlement 1701, judges' commissions shall be granted "quamdiu se bene gesserint," meaning "as long as they shall behave themselves well." This implies that judges are appointed to serve during good behavior.

1701 ஆம் ஆண்டு தீர்வுச் சட்டத்தின்படி, நீதிபதிகளின் கமிஷன்கள் "quamdiu se bene gesserint", அதாவது "அவர்கள் நன்றாக நடந்து கொள்ளும் வரை" வழங்கப்படும். இது நீதிபதிகள் நல்ல நடத்தை கொண்டிருக்கும் போது பணியாற்ற நியமிக்கப்படுகிறார்கள் என்பதைக் குறிக்கிறது.

However, the Act also stipulates that upon the Address of both Houses of Parliament, it becomes lawful to remove them from office. This means that if both the House of Commons and the House of Lords formally request it, a judge can be dismissed from their position.

எனினும், நாடாளுமன்றத்தின் இரு அவைகளின் உரையின் பேரில், அவர்களை பதவியில் இருந்து நீக்குவது சட்டபூர்வமாகிறது என்றும் சட்டம் கூறுகிறது. இதன் பொருள் என்னவென்றால், பாராளுமன்ற சபை மற்றும் பாராளுமன்ற மேலவை ஆகிய இரண்டும் முறையாக கோரினால், ஒரு நீதிபதியை பதவியில் இருந்து நீக்க முடியும்.

In the case of Aikenhead J., who has been convicted of driving under the influence of alcohol, this provision applies. Since his behavior could be considered misconduct, both Houses of Parliament would need to present an Address for him to be removed from his judicial office.

குடிபோதையில் வாகனம் ஓட்டியதற்காக தண்டனை பெற்ற Aikenhead J. க்கு இந்த விதி பொருந்தும். அவரது நடத்தை தவறான நடத்தை என்று கருதப்படலாம் என்பதால்,

பாராளுமன்றத்தின் இரு அவைகளும் அவரை தனது நீதித்துறை பதவியில் இருந்து நீக்க ஒரு உரையை முன்வைக்க வேண்டும்.

This dual requirement ensures that the removal of a judge involves significant consensus within the government, safeguarding against arbitrary dismissals.

இந்த இரட்டைத் தேவை ஒரு நீதிபதியை நீக்குவதற்கு அரசாங்கத்திற்குள் குறிப்பிடத்தக்க ஒருமித்த கருத்தை உள்ளடக்கியது என்பதை உறுதிப்படுத்துகிறது, தன்னிச்சையான பணிநீக்கங்களுக்கு எதிராக பாதுகாக்கிறது.

This is a decent answer (not bad answer) and would likely earn a passing grade. If the candidate had noted that the dismissal is actually carried out by the Crown, they might have secured a second-class grade. To achieve a first-class, a bit more analysis is needed.

இது ஒரு கண்ணியமான பதில் மற்றும் தேர்ச்சி மதிப்பெண் பெறலாம். பதவி நீக்கம் உண்மையில் அரசால் மேற்கொள்ளப்படுகிறது என்று வேட்பாளர் குறிப்பிட்டிருந்தால், அவர்கள் இரண்டாம் வகுப்பு தரத்தைப் பெற்றிருக்கலாம். முதல் வகுப்பை அடைய, இன்னும் கொஞ்சம் பகுப்பாய்வு தேவைபடுகிறது.

Aikenhead J. was appointed to his position 'during good behavior.' Given his conviction of a crime, it's assumed he has not adhered to this standard. Clearly, he can be dismissed if both Houses of Parliament present an Address requesting it. However, the critical question remains: can he be dismissed without such an Address in this particular case?

ஐகென்ஹெட் ஜே. தனது பதவிக்கு 'நல்ல நடத்தையின் போது' நியமிக்கப்பட்டார். ஒரு குற்றம் அவரது தண்டனை கொடுக்கப்பட்ட, அது அவர் இந்த தரத்தை கடைபிடிக்கவில்லை என்று கருதப்படுகிறது. பாராளுமன்றத்தின் இரு அவைகளுமே அதைக் கோரி ஒரு உரையை முன்வைத்தால், அவர் பதவி நீக்கம் செய்யப்படலாம் என்பது தெளிவாகிறது. எனினும், ஒரு முக்கியமான கேள்வி எஞ்சியுள்ளது: இந்த குறிப்பிட்ட வழக்கில் அத்தகைய உரையாடல் இல்லாமல் அவர் பதவி நீக்கம் செய்யப்பட முடியுமா?



The examiner (ஆய்வாளர்) is clearly seeking (தேடுவது) an accurate interpretation (பொருள் விளக்கம்) of the Act of Settlement, or the current law that replaces it. ஆய்வாளர் தெளிவாக தீர்வு சட்டத்தின் பொருள் விளக்கம் தேடுகிறார்.

Do the provisions mean that judges can only be dismissed by the Crown following an Address (உரை) from both Houses of Parliament (with the Houses instructed not to present an Address unless the judge has misbehaved)? Or do they imply that judges can be dismissed by the Crown either for not behaving themselves (e.g., being convicted of a crime) or following an Address from both Houses? Essentially, the question is whether the Houses are the sole arbiters of the judge's behavior.

பாராளுமன்றத்தின் இரு அவைகளிலிருந்தும் (நீதிபதி தவறாக நடந்து கொண்டாலொழிய அவைகள் உரையாற்றக் கூடாது என்று அறிவுறுத்தப்படுகின்றன) ஒரு உரையைத் தொடர்ந்து மட்டுமே நீதிபதிகளை அரசால் பதவி நீக்கம் செய்ய முடியும் என்று இந்த விதிகள் அர்த்தப்படுத்துகின்றனவா? அல்லது நீதிபதிகள் தங்களை நடத்தாததற்காக (எ. கா., ஒரு குற்றத்திற்காக தண்டிக்கப்பட்டதற்காக) அல்லது இரு அவைகளிலிருந்தும் ஒரு உரையை பின்பற்றுவதால் உட்கிடையாக பதவி நீக்கம் செய்யப்படலாம் என்று அவர்கள் குறிப்பிடுகிறார்களா? அடிப்படையில், நீதிபதியின் நடத்தையை தீர்மானிக்கும் ஒரே நடுவர் மன்றங்கள் என்பதுதான் கேள்வி.

A good lawyer, who reads carefully, ponders meanings and is prepared to discuss difficulties, might be able to see this point in the problem even though he had read nothing upon it. When one studies the literature, one finds that, surprising as it may seem, the weight of legal opinion is in favour of the second view; and it is not even clear what is the proper legal means that the Crown should use to establish misbehaviour before dismissing a judge. A further question that arises (and that might be perceived on the face of this problem) is whether dismissal by the Crown can only be for misbehaviour in office or whether it can be for an offence not related to judicial office or affecting judicial ability. If the latter, can it be for any offence or only for a serious one, and is the offence in the problem sufficiently serious? In practice the Crown would now be unlikely to dismiss a

judge without an Address, and it would be for the two Houses to decide whether the misbehaviour justified dismissal.

This example shows how it is possible to display the qualities of a good lawyer without knowing much law. Here is another problem in constitutional law to reinforce the point.

A statute is passed giving power to make Orders in Council for the public safety and defence of the realm. Would it be a valid objection to an Order made under this statute that it imposes a tax?

The type of answer to be expected from the Painful Plodder would be as follows:

'A statute similar in terms to that in the problem was DORA, passed in the First World War. By Regulations under this statute the Food Controller was empowered to regulate dealings in any article. Under these powers the Food Controller ordered that no milk should be sold within certain counties except under licence. In *Att.-Gen. v. Wilts United Dairies* the question arose whether the Food Controller was entitled to charge for the granting of a licence under this Order. It was held by the H.L. that he was not. This case was approved by the Court of Appeal in *Congreve v. Home Office*. \* The answer to the question is therefore 'Yes.'

This answer exhibits a common defect: it cites a case without explaining the legal principle involved in it, i.e. the legal ground on which the case was decided. Plodder says that in *Att.-Gen. v. Wilts U.D.* it was held that the Food Controller could not charge for the licence. This is true, but we need to know why.

The facts of the case contained three elements: (1) DORA, giving power to make Regulations for the public safety and defense of the realm; (2) the Food Controller ordered that no milk should be sold within certain counties except under license; (3) the question arose whether the Food Controller was entitled to charge for the granting of a license under this order. It was held by the House of Lords that he was not. The legal principle involved here is that the power to make Orders in Council for the public safety and defense of the realm does

not include the power to impose a tax. This case was also approved by the Court of Appeal in *Congreve v. Home Office*.

By explaining the legal principle involved in the case, the answer becomes more complete and demonstrates a deeper understanding of the problem.

Whenever there is an issue on statutes, you should just remember the language of the statute, apply it to the problem, see if there are any gray areas or interpretation possible. Re-solve the problem by analyzing wider laws and cases that could provide guidance on the case. Even without knowledge of the law, by reading carefully, thinking about meanings in context and discussing problems, one can show the qualities of a good lawyer.

#### **(9) Relevancy (சம்பந்தம், தொடர்பு, பொருத்தம்)**

When answering a problem, never preface your answer with a general discussion on the department of law relating to the problem. Start directly with the answer. Problems are set chiefly to test your ability to apply the law you know, and the examiner will quickly tire of reading an account of the law that is not directly related to the problem. Where the problem involves several persons, say A and B as possible plaintiffs and C and D as possible defendants, the best approach is to begin your answer by writing down the heading: A v. C. After dealing with this, write (for instance) B v. C, referring back to your previous answer for any points that do not need repetition. Then you will deal with A v. D and B v. D.

The advice to dive into the specific problem, modeled on counsel's opinion, applies even when the problem is divided into several parts, all within the same general area of law. For example, if a criminal law question consists of a series of short problems on insanity numbered (i), (ii), (iii), etc., it is not advisable to preface the answer with a discussion of *McNaghten's* case, even though *McNaghten's* case is relevant to each of the numbered problems. The examiner is impatient to see you addressing the problems, and may even ignore anything you write before tackling problem (i). Therefore, write (i) at the very beginning of your answer and start addressing problem (i). In the

course of doing so, you can discuss McNaghten's case. When you come to (ii), (iii), and the rest, it will be easy enough to refer back to your previous discussion if necessary.

Although a problem is not an invitation to launch into a general discussion on the area of law it concerns, it is important to state all the relevant rules of law when working out the problem.

A common flaw in otherwise good answers is that the relevant rule of law is implied rather than explicitly stated. It is better practice to first state the rule of law and then apply it to the facts. Do not write: "D is liable on the contract because he did not communicate his revocation of the offer." It is better style to write: "An uncommunicated revocation of an offer is ineffective. Here, D's revocation did not come to the notice of the offeree, so the offeree's acceptance of the offer was valid, and D is liable on the contract." Here is another illustration from tort law.

**Question (Q):** A, finding B, a stranger of rough appearance, in his shed, locks the door in order to keep B there while he fetches the police. Can B sue A?

**Student's answer:** 'B can sue A for false imprisonment because no 'arrestable offense' has been committed by anyone.'

**கேள்வி:** "A, ஒரு கரடுமுரடான அந்நியனான B-ஐக் கண்டு, தனது குடிசையில், பொலிஸாரை அழைத்து வரும் வரை B-ஐ அங்கேயே வைத்திருக்க கதவை பூட்டிவிடுகிறான். B, A மீது வழக்குத் தொடுக்க முடியுமா?"

**பதில்:** "எவரும் கைது செய்யத்தக்க குற்றத்தைச் செய்யாததால், B, A மீது தவறான அடைத்து வைத்ததற்காக வழக்கு தொடரலாம்."

The answer reveals some knowledge of the law and would be correct in many cases. But the law is not fully stated (not even the important provision in the Criminal Law Act), and some facts can be imagined that would make the arrest lawful. To earn marks, you must state the law and imagine variations of fact. Here is a model:

There is no power to arrest for trespass. But under the Criminal Law Act 1967,<sup>19</sup> anyone can arrest on reasonable suspicion of an arrestable offense, save that where the arrest is by a private person (as here) he must show either (1) that the arrested person was in fact in the act of committing the offense for which he was arrested, or he reasonably suspected the arrested person to be in the act of committing it, or (2) the arrested person had in fact committed the offense, or he reasonably suspected the arrested person of having committed the offense and (in this last case) the offense had in fact been committed by someone. An arrestable offense is defined as one for which a person may by virtue of any statute be sentenced to imprisonment for at least five years, or an attempt to commit such an offense. Theft comes within the definition.

A will have the statutory power of arrest if B was in fact attempting to steal something in the shed, or if A reasonably suspected him of being in the act of attempting to steal something in the shed. A's defense on the latter ground would, of course, be assisted if there was something in the shed worth stealing. If there was not, A might still believe that B was looking for something to steal, which could constitute an attempt to steal under the Criminal Attempts Act 1981 notwithstanding that there was nothing there that B would have stolen.

Suppose now that the shed was clearly bare of everything and A's suspicions did not relate to theft in the shed. A might still suspect B of having stolen something from him elsewhere (e.g., if he has just discovered that a bunch of keys is missing from the hall table). The arrest could then be lawful if B had in fact stolen the thing in question or if A reasonably suspected B of having stolen it, provided (in the last case) that the thing had in fact been stolen by someone. If it turned out that Mrs. A had gathered up the keys, the arrest would be unlawful. This is obviously a trap for private arresters.

Even if A has the power of arrest, he must ordinarily inform the person arrested that he is being arrested and the reason for it, i.e., the act for which arrest is made: *Christie v. Leachinsky* <sup>20</sup> [facts]. So, A must shout to tell B that he is under arrest and why.

Not one candidate in a hundred gives an answer comparable to this; students regularly fail to consider what it is exactly that A suspects. The Vagrancy Act 1824 section 4 could also be referred to, but those taking an examination in the law of tort would not be expected to know it.

The question just considered asked: 'Can B sue A?' This formula, very common in law examinations, means 'Can B sue A successfully!' Examinees sometimes answer it by saying: 'B can sue A, but he will fail.' This displays the writer's common sense but also his lack of knowledge of legal phraseology. It is true that there is virtually no restriction upon the bringing of actions: for instance, I can at this moment sue the Prime Minister for assault—though I shall fail in the action. But when a lawyer asserts that A can sue B, what he means is that A can sue B, successfully; if he meant his words to be taken literally, they would not have been worth the uttering.

For much the same reason, you should never write a sentence like: 'B can argue that...but the argument will fail,' or 'B has committed such-and-such a crime, but he has a good defense.' The proper way to put the last sentence would be to say: 'If B is charged with such-and-such a crime, he will have a good defense.'

When a problem is based on a rule—e.g., the rule in *Derry v. Peek*<sup>21</sup> or *Rylands v. Fletcher*<sup>22</sup>—it is usually advisable to state the whole rule in a sentence or two, even though some parts of the rule are not material to the problem. No further details should be given of parts of the rule that are not material.

Where the problem turns on an exception to a rule (e.g., an exception to the rule in *Rylands v. Fletcher*), there is usually no need to state any exceptions other than the one that is relevant.

#### **(10) Questions divided into parts (பகுதிகளாகப் பிரிக்கப்பட்ட கேள்விகள்)**

Questions are frequently divided into two or more parts, and this division raises difficulties of its own for the inexperienced candidate.

Sometimes the problem begins with a common opening part before branching out into its subdivisions. The following is an example:

கேள்விகள் பெரும்பாலும் இரண்டு அல்லது அதற்கு மேற்பட்ட பகுதிகளாகப் பிரிக்கப்படுகின்றன, மற்றும் இப்பிரிவு, நிபுணத்துவமில்லாத பரீட்சார்த்திக்கு தனது சொந்த சிரமங்களை உருவாக்குகின்றது. சில சமயங்களில், பிரச்சனை பொதுவான தொடக்கப்பகுதியால் தொடங்குகிறது, பின்னர் அதன் துணைப்பகுதிகளாக விரிகின்றது. கீழே உள்ளது ஒரு எடுத்துக்காட்டாகும்:

கேள்விகள் பெரும்பாலும் இரண்டு அல்லது அதற்கு மேற்பட்ட பகுதிகளாகப் பிரிக்கப்படுகின்றன, மேலும் இந்த பிரிவு அனுபவமற்ற வேட்பாளருக்கு அதன் சொந்த சிரமங்களை எழுப்புகிறது. சில நேரங்களில் பிரச்சனை ஒரு பொதுவான தொடக்கப் பகுதியுடன் அதன் துணைப்பிரிவுகளாக கிளைவதற்கு முன்பு தொடங்குகிறது. ஒரு உதாரணம் பின்வருமாறு:

**Question:** A writes to B offering to sell him his horse Phineas for £100.

(i) B posts a letter accepting, but he misdirects it and in consequence it is a week late in being delivered to A. Meanwhile A has sold Phineas to C.

(ii) B, after posting a letter of acceptance to A, sends A a telegram cancelling "my letter now in the post." The telegram is delivered to A before B's letter.

**Discuss.**

It should be obvious that in this type of problem (i) and (ii) are alternative possibilities, to be dealt with separately; (ii) is not meant to follow upon and include the facts of (i). Yet I have known students to suppose that this is all a single problem, to be disposed of in a single breath.

Another mistake that one student made with this particular problem was to suppose that the opening sentence was itself a question, inviting a general disquisition on the legal nature of an offer. This, of course, is not so.

A different type of two-part problem is one in which the second part commences: "Would it make any difference to your answer if...?" This means that the second part of the question is the same as the first part, except for the variation expressly stated. An illustration is as follows:

(i) A is firing with an air gun in his garden at a target on a tree. The shot glances off the tree and hits A's gardener, B. Can B sue A?

(ii) Would your answer be different if the shot had been fired by A's son, C?

Most students assume that (ii) is a question as to the liability of C. Clearly on its wording the question is the same as in (i), namely, as to the liability of A.

Sometimes a problem is so worded as to involve two successive questions, but the second question logically arises only if the first is answered in a certain way. Suppose that the student has answered the first question in the other way; is he now to answer the second? The answer is "Yes." For the purpose of answering the second part of the question he should state that he is assuming that he is wrong in his answer to the first. An example from the law of contract:

Pickwick, who manufactures cricket bats, affixed a signboard on the boundary of the field belonging to the Dingley Dell Cricket Club, stating that if any batsman hit the signboard with a batted ball during the course of a match Pickwick would pay him the sum of £5. Podder hit the board whilst batting in a match between Dingley Dell and Muggleton, and afterwards orally requested Pickwick to pay £5 to Mrs. Jingle, to whom Podder was indebted for board and lodging. Mrs. Jingle demands payment of the £5 from Pickwick but is refused. Discuss the rights of the parties.

This problem involves two questions: (i) whether or not there is a contract between Pickwick and Podder, whereby Pickwick owes a debt to Podder; (ii) whether Podder has assigned the debt validly to Mrs. Jingle. Issue (i) teeters at the hard line between consideration and the



performance of a condition precedent to a gratuitous promise, or if you prefer on the even harder question of intent to contract. There can take place the very possibility that the student on making this consideration pauses to

A fourth kind of two-part question consists of a book-work question followed by a problem. The difficulty here is often that it is not clear whether the problem is meant to bear a relation to the book-work question or not. No universal rule can be stated because examiners differ in their practice, but nearly always there is meant to be a connection, at least if the two parts of the question are not subdivided by numbers or letters. I am conscious that this may not sound very helpful advice. But some examinees fail to search for a connection between the book-work question and the rider, thus missing the point intended by the examiner, while other examinees, finding no connection between the two (in fact there being none), avoid the question altogether. The student must be left to steer his own course between this Scylla and Charybdis.

**(11) The overlapping of subjects** (பொருள்களின் ஒட்டுமொத்தம்/தலைப்புகள் ஒன்றுடன் ஒன்று/சட்டப் பொருள்களின் ஒருங்கிணைப்பு)

The term "overlapping of subjects" refers to situations where different fields of study or areas of knowledge intersect or share common elements. In legal studies, this often means that a single problem or case might involve aspects from multiple branches of law, such as criminal law, tort law, and contract law.

"கருத்துக்களின் ஒன்றுடன் ஒன்று" என்ற சொல், பல்வேறு ஆய்வுத் துறைகள் அல்லது அறிவுத் துறைகள் ஒன்றுடன் ஒன்று அல்லது பொதுவான கூறுகளை பகிர்ந்து கொள்ளும் சூழ்நிலைகளை குறிக்கிறது. சட்டப் படிப்புகளில், இது பெரும்பாலும் ஒரு பிரச்சினை அல்லது வழக்கு குற்றவியல் சட்டம், டால்ட் சட்டம் மற்றும் ஒப்பந்தச் சட்டம் போன்ற பல சட்டக் கிளைகளின் அம்சங்களை உள்ளடக்கியிருக்கலாம் என்பதாகும்.

For example, a legal problem might require understanding both tort law and contract law to fully address the issue at hand. This overlap can occur because certain situations or actions may fall under more than one legal category, necessitating a comprehensive approach that considers all relevant legal principles.

எடுத்துக்காட்டாக, ஒரு சட்டச் சிக்கலுக்கு, சிக்கலை முழுமையாகத் தீர்க்க, சித்திரவதைச் சட்டம் மற்றும் ஒப்பந்தச் சட்டம் இரண்டையும் புரிந்து கொள்ள வேண்டும். சில சூழ்நிலைகள் அல்லது செயல்கள் ஒன்றுக்கு மேற்பட்ட சட்ட வகைகளின் கீழ் வரக்கூடும் என்பதால், தொடர்புடைய அனைத்து சட்டக் கோட்பாடுகளையும் கருத்தில் கொண்டு ஒரு விரிவான அணுகுமுறை தேவைப்படுவதால், இந்த ஒன்றுடன் ஒன்று நிகழலாம்.

The term subjects can have different meanings depending on the context in which it is used. Generally, it refers to areas of knowledge, study, or activity. Here are a few definitions based on different contexts:

**1. Educational Stuff (Context):** Subjects are like those particular topics you learn about in school, college, or uni. Think math, science, history, English lit, or languages. They're the main deal when it comes to what you're learning.

**2. Legal Speak:** When someone says "subjects" in a legal chat, they're talking about the people or things that a law applies to. It's like who the rules are for, you know?

**3. Science-y Bits:** In the world of research, subjects are the people or things that scientists are looking at closely in their experiments. It's like who or what they're trying to figure out.

**4. Just Regular:** Subjects can also be what you're talking about or focusing on in a conversation or a paper. Like, if we're chatting about pizzas, then pizzas are our subject.

Now, when you're working on a question about bad stuff people do (criminal law), don't start blabbing about the law that deals with

everyday wrongs (torts), unless the bad stuff you're talking about also has to do with those everyday wrongs. And the same goes for torts; don't bring up crimes unless it's got something to do with the tort you're looking at. Keep it relevant, okay? Stick to the point, buddy.

This mutual exclusiveness of subjects does not hold between tort and contract. Where a problem is set in a tort paper or a contract paper involving both a possible tort and a possible breach of contract, both aspects should be discussed. This is because a tort and a breach of contract can be proceeded upon in the same action, whereas the distinction between criminal and civil law is more deeply marked. The overlap between tort and contract should be looked for particularly in problems involving the negligent carriage of passengers by rail, road, or sea, and the sale (or repair) of goods or houses that turn out not to be of merchantable quality or reasonably fit and cause physical injury to the buyer (or owner).

In this context, subjects refer to the distinct areas of legal study or practice, such as criminal law, tort law, and contract law. The passage discusses how these subjects should be treated separately unless their intersection is explicitly relevant to the legal problem being addressed.

இந்தச் சூழலில், 'பொருள்' என்பது குற்றவியல் சட்டம், வன்கொடுமைச் சட்டம் மற்றும் ஒப்பந்தச் சட்டம் போன்ற சட்டப் படிப்பு அல்லது நடைமுறையின் தனித்துவமான பகுதிகளைக் குறிக்கிறது. இந்தப் பொருள்கள், அவற்றின் ஒருங்கிணைப்பு சட்டப்பூர்வ பிரச்சனைக்கு வெளிப்படையாகத் தொடர்புடையதாக இல்லாவிட்டால், எவ்வாறு தனித்தனியாகக் கருதப்பட வேண்டும் என்பதை இந்தப் பத்தியில் விவாதிக்கிறது.

In problems on tort and criminal law, the student is expected to enumerate and discuss all the possible torts or crimes that may have been committed based on the facts given in the problem, and also all the possible defenses that may be raised. In this respect, the answering of an examination question differs somewhat from giving an opinion in legal practice.

A practitioner will not argue legal points unnecessarily. He will not, for example, argue the question whether there exists a tort of offensive

invasion of privacy if his client has a clear remedy in defamation. But an examiner will usually be disappointed if, in an appropriate problem, both points are not discussed. In other words, if a point is relevant, discuss it, even though it may not be necessary.

**(12) The answering of problems in criminal law (குற்றவியல் சட்டத்தில் பிரச்சினைகளின் பதிலளிப்பு)**

Always consider all the possible crimes that have been committed by all possible persons, and all the possible defenses open to them. By 'possible,' I mean 'seemingly possible to an ignorant person.' If you consider that a certain crime has not been committed or that a certain defense is not available (though an ignorant person might think it is), do not pass it by in silence but state your opinion expressly.

You should also give the reason for your opinion as shortly as the importance of the point seems to require. The reason for this advice is that quite possibly the question was set as a trap, and if you refrain from commenting upon the trap, the examiner may think that you have avoided it by good luck rather than good management.

Never come to the defenses until you have stated the crime for which the defendant is, in your opinion, being charged. Start with the responsibility of the perpetrator (principal), taking accessories afterwards.

If you think that the problem leaves open some question of fact, state the law according to whether the fact is present or absent.

If the outcome is clear, you can say so, for example, 'D is guilty of murder.' But if the application of law to fact is not clear, you need not state a definite opinion or even 'submit' that the position is so-and-so. For example, the question may state that the defendant shot at a burglar when a bystander was standing dangerously close and hit the bystander. It is not for you to say that the defendant foresaw the possibility of hitting the bystander; that is for the jury. Never assume that the defendant had a particular state of mind unless the question states that he had it. Instead, consider whether there is any evidence for the jury (sufficient to require the judge to leave the case to the

jury). If there is, explain how the judge would direct the jury and state whether a verdict of guilty would be likely to be upheld or upset on appeal. It is at these points in a jury trial that the legal opinion is important; a lawyer is not directly concerned with the work of the jury.

Often, the problem will be found to fall short of one of the major crimes. In such a case, it will very frequently involve a lesser or lesser-known crime. The student should note these lesser or narrower crimes very carefully when they are mentioned in their book. Here is a short list of them.

An Act that falls short of	May be:
Manslaughter	<p><b>Assault and Battery:</b></p> <p>These offenses fall under Section 47 of the Offences Against the Person Act 1861.</p> <p>Offenses under the Road Traffic Act 1972:</p> <p>The Road Traffic Act 1972 addresses various driving-related offenses, including:</p> <p><b>Section 1:</b> Causing death by reckless driving</p> <p><b>Section 2:</b> Reckless driving</p> <p><b>Section 3:</b> Careless driving</p> <p><b>Section 5:</b> Driving under the influence</p> <p><b>Excessive Speed:</b></p>

	Excessive speed is regulated under Section 78A of the Road Traffic Regulation Act 1967, as inserted by Section 203 of an Act in 1972.
<b>Murder</b>	<p><b>Abortion (Offences Against the Person Act 1861, Section 58):</b> This section addresses the illegal procurement of abortion, setting penalties for those who intentionally cause a miscarriage.</p> <p><b>Child Destruction (Act of 1929):</b> This act criminalizes the destruction of a child capable of being born alive, ensuring penalties for such actions.</p> <p><b>Concealment of Birth (Offences Against the Person Act 1861, Section 60):</b> This section imposes penalties for anyone who conceals the birth of a child, whether the child is born alive or dead.</p> <p><b>Infanticide (Act of 1938):</b> Infanticide laws apply to mothers who, under the influence of mental disturbance due to childbirth, cause the death of their infant.</p> <p><b>Manslaughter (Offences Against the Person Act 1861, Section 5):</b> Manslaughter covers unlawful killings that lack the intent required for murder,</p>

	<p>distinguishing it from more severe forms of homicide.</p> <p><b>Manslaughter on Account of Diminished Responsibility (Homicide Act 1957, Section 2):</b> This provision allows for a reduction of a murder charge to manslaughter if the defendant's mental capacity was substantially impaired.</p>
<p><b>Attempted Murder (Criminal Law Act 1981, Sections 1, 4)</b>  <b>Section 1:</b> Defines attempted murder, outlining penalties for taking intentional steps to cause someone's death without success.</p> <p><b>Section 4:</b> Covers the defense of diminished responsibility, providing a legal defense for those committing a crime while mentally impaired, affecting their understanding or self-control.</p>	<p><b>Assault and Battery:</b> Basic offenses involving physical attack or threat of violence.</p> <p><b>Wounding, etc., with Intent (Offences Against the Person Act 1861, Section 18 as amended):</b> Addresses intentionally causing severe injury or wounding.</p> <p><b>Malicious Poisoning Resulting in Danger to Life, etc. (Offences Against the Person Act 1861, Section 23):</b> Covers poisoning with malicious intent causing life-threatening harm.</p> <p><b>Malicious Wounding, etc. (Offences Against the Person Act 1861, Section 20):</b> Involves causing injury or wounding without intent to cause severe harm.</p> <p><b>Occasioning Actual Bodily Harm by an Assault (Offences Against the Person Act 1861, Section</b></p>

	<p>47): Pertains to assault causing actual physical harm.</p> <p><b>Malicious Poisoning with Intent to Injure, etc. (Offences Against the Person Act 1861, Section 24):</b> Relates to poisoning with the intent to injure or cause discomfort.</p> <p><b>Robbery (Theft Act 1968, Section 8):</b> Involves theft with the use of force or threat of force.</p> <p><b>Offence under Prevention of Crime Act 1953 or Firearms Act 1968:</b> Covers offenses related to carrying weapons or firearms unlawfully.</p> <p>Possessing an Article with Intent to Commit an Indictable Offence Against the Person (Offences Against the Person Act 1861, Section 64, as amended by Criminal Law Act 1967, Schedule 2): Involves possession of items with the intent to commit a serious offense.</p>
<p><b>Theft (Theft Act 1968, Section 1)</b></p> <p>Theft, as defined under Section 1 of the Theft Act 1968, involves the dishonest appropriation of property belonging to another with the</p>	<p><b>Taking Articles on Public Display (Theft Act 1968, Section 11):</b> Addresses the theft of items that are on public display.</p> <p><b>Taking Motor-Vehicle or Other Conveyance (Theft Act 1968, Section 12):</b> Involves stealing a</p>



intention of permanently depriving the other of it.	<p>vehicle or other mode of transportation.</p> <p><b>Obtaining Property by Deception (Theft Act 1968, Section 15):</b> Covers acquiring property through dishonest means.</p> <p><b>Obtaining Services by Deception (Theft Act 1978, Section 1):</b> Pertains to obtaining services without payment by using deceit.</p> <p><b>Making Off Without Paying (Theft Act 1978, Section 3):</b> Involves leaving without paying for goods or services received.</p> <p><b>False Accounting (Theft Act 1968, Section 17):</b> Addresses falsifying accounts for financial gain or to conceal losses.</p> <p><b>Corruption (Prevention of Corruption Act 1906, as amended):</b> Covers acts of bribery and corrupt practices.</p> <p><b>Being Found on Private Premises for an Unlawful Purpose (Vagrancy Act 1824, Section 4):</b> Penalizes individuals found on private property with intent to commit a crime.</p> <p>Going Equipped for Stealing, etc. (Theft Act 1968, Section 25)</p>
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<p><b>Robbery (Theft Act 1968, Section 8)</b></p> <p>Robbery is defined under Section 8 of the Theft Act 1968. This section addresses the offense of robbery, which involves stealing property and, at the same time, using or threatening force on any person. The use or threat of force must occur immediately before or during the act of stealing to qualify as robbery.</p>	<p><b>Assault and Battery:</b> Basic offenses involving physical attacks or threats of violence.</p> <p><b>Aggravated Assaults:</b> More severe forms of assault often involving additional factors such as the use of a weapon or causing serious injury.</p> <p><b>Carrying Weapons:</b> Legal provisions regarding the possession and use of weapons in public places, aiming to prevent violent incidents.</p> <p><b>Blackmail (Theft Act 1968, Section 21):</b> Involves making demands with menaces with the intent to gain or to cause loss to another.</p> <p><b>Threatening Letters (Offences Against the Person Act 1861, Section 16):</b> Addresses the criminal act of sending letters that contain threats of harm or violence to the recipient.</p>
<p><b>Obtaining Property by Deception (Theft Act 1968, Sections 15, 16)</b></p> <p><b>Section 15:</b> Covers the offense of obtaining property by deception, which involves acquiring someone else's property through dishonest means or fraudulent representations.</p>	<p><b>Obtaining Services by Deception (Theft Act 1978, Section 1):</b> Involves acquiring services dishonestly without payment or through false representation.</p> <p><b>Deception in Relation to Liabilities (Theft Act 1978, Section 2):</b> Covers deceiving someone to avoid or reduce</p>

<p><b>Section 16:</b> Addresses obtaining pecuniary advantage by deception, which involves gaining financial benefits through deceitful practices.</p>	<p>liabilities, such as debts or financial obligations.</p> <p><b>False Accounting (Theft Act 1968, Section 17):</b> Addresses the creation of false financial records to gain advantage or hide losses.</p> <p><b>Offences under Trade Descriptions Act 1968:</b> Deals with false or misleading descriptions of goods and services provided, ensuring consumer protection.</p> <p><b>Obtaining Making of Valuable Security (Theft Act 1968, Section 20(2)):</b> Concerns the dishonest procurement of valuable securities through deception.</p> <p><b>False Document to Mislead Principal (Prevention of Corruption Act 1906, Section 1(1)):</b> Pertains to creating or using false documents to deceive a principal, typically in a corruption or bribery context.</p>
<p><b>Forgery and Coining (Forgery and Counterfeiting Act 1981)</b></p> <p>The Forgery and Counterfeiting Act 1981 addresses offenses related to the creation and use of fake documents and counterfeit currency. The Act defines forgery as making a false</p>	<p><b>Theft:</b> Involves the dishonest appropriation of property belonging to another with the intention of permanently depriving the owner of it. This is governed by the Theft Act 1968, Section 1.</p>

instrument with the intent to deceive, while counterfeiting involves creating fake currency or coins. These offenses carry severe penalties to protect the integrity of legal documents and currency, ensuring that individuals or organizations cannot undermine trust in official records or the financial system through fraudulent activities.	<p><b>Obtaining Property by Deception:</b> Covers acquiring property through dishonest means or fraudulent representations, under the Theft Act 1968.</p> <p><b>False Trade Description (Trade Descriptions Act 1968, Section 1):</b> Addresses the provision of false or misleading descriptions of goods and services to consumers. This section ensures that businesses accurately represent their products and services to prevent consumer deception.</p>
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### Simplified Guidance on Addressing Multiple Crimes in Legal Problems

When faced with multiple crimes in a legal problem, prioritize the gravest crime that appears to have been committed. It's illogical to start with minor offenses and conclude with severe crimes like murder. Begin with the most severe offense, such as murder, and address lesser offenses as secondary points. If the defendant is clearly guilty of a crime like wounding with intent but only doubtfully guilty of murder, focus on the clear crime first.

In criminal law, problems often start with inchoate crimes like conspiracy, attempt, or incitement. Even if the complete crime is carried out, defendants can still be convicted of attempt or incitement. These crimes should be mentioned, though indictments are usually for the completed crime, not merely the attempt or incitement.

When discussing conspiracy charges, adding conspiracy counts to a consummated crime requires special justification. For incitement, if the crime is committed, the inciter becomes an accessory. The key difference between incitement and being a participant by counseling

or procuring a crime is that incitement does not require the main crime to be committed, while participation does.

### (13) The answering of problems in tort

As in criminal law, look for all the possible torts that may have been committed, and consider whether their essentials have been satisfied. Draw into your net all possible defendants, and then turn around and consider all the possible defenses open to them on the facts given.

There are not so many '**obscure**' torts as there are obscure crimes, but a considerable overlap occurs between some of the leading torts. The following are the chief examples:

#### **Torts and Legal Duties:**

**Nuisance:** Refers to interference with the use and enjoyment of land. **Rylands v. Fletcher:** A landmark case related to strict liability for hazardous activities.

**Negligence:** The failure to exercise reasonable care, resulting in damage or injury to another. **Contractual duty to use care:** An obligation arising from a contract to exercise reasonable care. **Breach of statutory duty:** Failure to comply with a statutory obligation.

**Defamation:** The act of damaging someone's reputation through false statements. **Offensive invasion of privacy:** Currently, this concept is stated as non-existent. **Slander of title:** Making false statements that disparage another's property rights. **Malicious falsehood:** Knowingly making false statements that cause harm to someone's interests.

In the tort of negligence, it is frequently necessary to consider the machinery as to proof of negligence—the burden of proof, functions of judge and jury, *res ipsa loquitur*. Questions of negligence, contributory negligence, and remoteness of damage are frequently wrapped up together, as are questions of contributory negligence and *volenti non fit injuria*, and of necessity and private defense.

If the problem appears to be a novel one, it may raise the theory of general liability in tort.

#### **(14) Conclusion**

When tackling legal problems, a structured approach is vital. Facts Stated in the Problem are Conclusive and must be treated as such to avoid unnecessary speculation. However, Omitted Facts can significantly impact the case, and their relevance must be assessed critically. The Reasonableness of Delay in presenting facts or taking actions can affect legal outcomes, making it a crucial factor to consider.

The Importance of Omitted Facts cannot be understated, as they may hold the key to understanding the case fully. Legal professionals must employ Two Points of Technique: meticulous analysis and practical application. Doubt in any part of the problem necessitates careful consideration and verification to avoid incorrect conclusions.

Problems on Statutes often require interpretation of legislative provisions, highlighting the need for precise understanding of statutory language and intent.

Relevancy ensures that only pertinent facts and laws are considered, maintaining focus on the core issues. When Questions are Divided into Parts, it simplifies complex problems into manageable segments, allowing for systematic analysis.

The Overlapping of Subjects demands an integrated approach, recognizing that legal issues often span multiple areas of law. Answering Problems in Criminal Law involves understanding the elements of crimes, defenses, and procedural rules. Similarly, Answering Problems in Tort requires knowledge of civil wrongs and their remedies.

In conclusion, working out legal problems requires a balanced blend of analytical skills, attention to detail, and practical techniques. By considering all relevant factors, evaluating omitted facts, and applying

appropriate legal principles, one can navigate complex legal issues effectively and deliver sound legal solutions.

## **OVERVIEW OF WORKING OUT OF PROBLEMS IN LAW**

The legal system can be complex and challenging to navigate, especially when it comes to working out problems. There are many different factors to consider, such as precedents, statutes, case law, and legislation. Here are some steps you can take to work out problems in law:

**1. Identify the issue:** The first step in working out a problem in law is to identify the issue at hand. This involves determining the specific legal question or concern that needs to be addressed.

**2. Research the law:** Once you have identified the issue, you need to research the law to determine the relevant statutes, case law, and other legal authorities that may apply. This may involve reviewing legal texts, case law, and other resources to gain a deeper understanding of the legal principles involved.

**3. Analyze the facts:** After researching the law, you need to analyze the facts of the case to determine how they relate to the legal principles you have identified. This may involve reviewing documents, witness statements, and other evidence to gather all the relevant information.

**4. Apply the law:** Once you have analyzed the facts, you need to apply the law to the facts to determine the appropriate legal solution. This may involve using legal principles to resolve disputes, interpret contracts, or determine liability.

**5. Consider alternatives:** Finally, you should consider alternative solutions and potential outcomes to ensure that you are taking a comprehensive approach to solving the legal problem. This may involve considering different legal theories or approaches, as well as exploring potential settlements or compromises.

Working out problems in law requires a systematic approach that involves identifying the issue, researching the law, analyzing the facts, applying the law, and considering alternatives. By taking a comprehensive approach to legal problem-solving, you can ensure that you are providing the best possible solution for your client or case.

**1.6. MOOTS AND MOCK TRIALS FROM LEARNING THE LAW BY GLANVILLE WILLIAMS** (கிளான்வில் வில்லியம்ஸ் எழுதிய சட்டத்தை கற்றலில் இருந்து மாதிரி நீதிமன்றங்கள் மற்றும் (உருவகப்படுத்தப்பட்ட) பயிற்சி வழக்கு விசாரணைகள்)

#### **Titles or Topics or Synopsis**

- (1) Introduction
- (2) Moot Court
- (3) Mock Trial
- (4) Conclusion

#### **(1) Introduction**

The practical study of law extends beyond textbooks and classroom lectures. Moot court and mock trial activities play a pivotal role in legal education, offering students a hands-on experience that bridges the gap between theoretical knowledge and real-world application.

These simulated court proceedings help students develop essential skills such as legal research, writing, oral advocacy, and critical thinking. By engaging in these exercises, future legal professionals gain confidence and a deeper understanding of courtroom dynamics and legal processes.

**(2) Moot Court (மாதிரி நீதிமன்றம்):** These are simulated court proceedings, typically involving an appellate case where students prepare written briefs and participate in oral arguments. The focus is on legal research, reasoning, and presentation skills. A moot is essentially a simulated court proceeding where students act as lawyers to prepare written drafts (briefs) and participate in oral arguments, often based on hypothetical legal cases. This exercise is designed to



help students develop their legal research, reasoning, and advocacy skills in a realistic, practice-oriented setting.

ஒரு மூட் (மாதிரி நீதிமன்றம்) என்பது அடிப்படையில் ஒரு உருவகப்படுத்தப்பட்ட நீதிமன்ற நடவடிக்கையாகும், அங்கு மாணவர்கள் எழுதப்பட்ட வரைவுகளை (சுருக்கங்கள்) தயாரிக்கவும் மற்றும் வாய்வழி வாதங்களில் பங்கேற்கவும் வழக்கறிஞர்களாக செயல்படுகிறார்கள், பெரும்பாலும் கற்பனையான சட்ட வழக்குகளின் அடிப்படையில். இந்த பயிற்சி மாணவர்கள் தங்கள் சட்ட ஆராய்ச்சி, பகுத்தறிவு மற்றும் வழக்கறிஞர் திறன்களை யதார்த்தமான, நடைமுறை சார்ந்த அமைப்பில் வளர்க்க உதவும் வகையில் வடிவமைக்கப்பட்டுள்ளது.

### **ARRANGEMENT OF MOOTS (மாதிரி நீதிமன்றங்களின் ஏற்பாடு)**

The arrangement of moots is typically handled by the students' law society, known as the Moot Society. A law teacher or a practicing lawyer usually presides on the bench, but sometimes law students themselves may also take this role. Ideally, the moot should have two distinct points for each side to argue. The opposing counsel must be informed of the main proposition and all the authorities their arguments rely on. The Master of Moots or another organizer should be notified of the authorities to be cited so they can arrange for the necessary reports or case books to be brought to the courtroom. Since the moot is attended by an audience, it's important to keep the proceedings to a reasonable length, typically between 30 and 40 minutes.

### **MOOT COURT PROCEDURE (மாதிரி நீதிமன்ற செயல்முறை)**

In the courtroom, the appellants' counsel are positioned on the left side of the judge, while the respondents' counsel take their place on the right. The presiding judge begins by calling upon the leading counsel for the appellant to present their arguments, followed by their junior counsel. Subsequently, the two counsels representing the respondent will make their arguments. The appellant generally retains the right to reply, provided there is sufficient time. An alternative speaking order may also be utilized, allowing the leading counsel for

the appellant to present first, followed by both counsels for the respondent, and concluding with the junior counsel for the appellant, who has the final word.

Throughout the proceedings, both the counsels and the judge adhere strictly to established protocols and conduct. When addressing or being addressed by the court, counsels are required to rise. Interruptions should be minimized during the proceedings. Terms such as "learned junior," "learned friend," and "learned judge" are commonly employed to refer to fellow counsel. Judges are addressed as "My Lordship" or "Your Lordship," with "My Lord" being used for direct address and "Your Lordship" for polite references within a sentence. Female judges are addressed as "My Lady" or "Your Ladyship."

Another crucial aspect of courtroom etiquette is that while counsels may assertively present and recommend their arguments and cite applicable law and facts, they must refrain from expressing personal beliefs or opinions. As advocates, their role is to represent their client's case rather than to provide personal judgments akin to those of a judge.

### **PRESENTATION OF THE CASE (வழக்கை வாதம் செய்தல் அல்லது வாதிடல்)**

Address to the court must be as brief as possible. Points must be enumerated, and the part of the argument that is left to the junior must be clearly stated. Once the court appears to be convinced on a particular point, the argument on that point may be closed. The court may be apprised of all the important points without waste of time. Eye contact with the judge is very important in order to make sure that the argument is heard. The argument must be full of expression, and reading must be avoided. Reading out long passages from texts and treatises must be avoided, and authorities must be quoted with proper periods and emphasis.

வழக்கின் (வழக்கை) வாதம் செய்தல் அல்லது வாதிடல் என்பது ஒரு வழக்கறிஞர் தமது வாடிக்கையாளரின் வழக்கை நீதிமன்றத்தில் சமர்ப்பிக்கும் செயல்தான். இதில், வழக்கறிஞர்

தமது வாதத்தை தெளிவாகவும் முழுமையாகவும் குறிப்பிட்டதாகவும் மக்களிடம் விளக்குகிறார். வழக்கின் முக்கிய அம்சங்களை முன்னிறுத்தி, ஆதாரங்களை மேற்கோள் காட்டி, வாதங்களை நிரூபிக்கிறார்.

Definition in English: Presentation of the case involves an attorney arguing their client's case in court. The lawyer clearly and comprehensively presents and explains the arguments, emphasizing key points of the case, citing authorities, and substantiating their arguments.

### **Citation of Cases (வழக்குகளை மேற்கோள் காட்டுதல்)**

Citation of Cases (வழக்குகளை மேற்கோள் காட்டுதல்) means referencing or quoting legal cases in support of an argument or position in a legal proceeding. This practice involves pointing to previous court decisions that are relevant to the current case being argued. Citing cases helps to establish precedents and provides legal grounding for the arguments presented.

In Tamil: வழக்குகளை மேற்கோள் காட்டுதல் என்பது ஒரு வழக்கில் வாதத்துக்கு ஆதாரமாக சட்ட வழக்குகளை மேற்கோள் காட்டுவதை குறிக்கின்றது. இது தற்போதைய வழக்குடன் தொடர்புடைய முந்தைய நீதிமன்ற தீர்ப்புகளை குறிப்பிடுவதை உள்ளடக்கியது. வழக்குகளை மேற்கோள் காட்டுதல், முன்னேற்பாடுகளை நிறுவுவதையும், முன் வைக்கப்பட்ட வாதங்களுக்கான சட்ட அடிப்படையை வழங்குவதையும் உதவுகிறது.

When participating in a moot court or preparing legal arguments, it is important to properly cite the cases you reference. Here are some guidelines for citing cases:

**Full Reference (முழு மேற்கோள் குறிப்பு (குறிப்பிடுதல்)):** When citing cases, it is recommended to provide the full reference, including the case name, neutral citation, reporter, parallel citation, jurisdiction, and any other relevant citation elements.

**Avoid Abbreviations (சுருக்கங்களை தவிர்த்தல்):** The case references should be pronounced in full, rather than using abbreviated forms.

**Number of Cases (வழக்குகளின் எண்ணிக்கை):** It is advisable to limit the citation of cases to six on each side to avoid overwhelming the audience.

### **The Role of Judges (நீதிபதிகளின் பங்கு)**

In a moot court, judges play an active role by interjecting with questions and objections. These objections may not necessarily represent the judge's actual opinion but are intended to test the student counsel's ability to respond.

After the counsels have presented their arguments, the presiding judge may invite members of the audience to express their opinions on the legal problem. The judge then delivers the judgment and may declare which counsel or side performed best.

### **(3) "Mock Trial" in Tamil is "பயிற்சி வழக்கு விசாரணை."**

**Mock Trial (உருவகப்படுத்தப்பட்ட பயிற்சி வழக்கு விசாரணை):** This term refers to a simulated court trial where participants can practice legal procedures, present cases, and develop their advocacy skills. இந்த சொல் ஒரு கற்பனை நீதிமன்ற விசாரணையை குறிக்கிறது, இதில் பங்கேற்பாளர்கள் சட்ட முறைகளை பயிற்சி செய்து, வழக்குகளைச் சமர்ப்பித்து, தங்களின் மேலாண்மைத் திறன்களை மேம்படுத்தலாம்.

Glanville Williams, in "Moots and Mock Trials," emphasizes the importance of both moots and mock trials in legal education. He details the typical procedures for organizing these activities for law students.

The term "moot" literally means a subject for debate or discussion. In legal education, to "moot" means to present a case for discussion. Moots involve hypothetical legal problems that are argued by two student teams, each consisting of a senior and a junior member. These

arguments are presented before a bench of three judges, a single judge representing the Court of Appeal, or occasionally, the House of Lords. Participating in moots benefits law students in multiple ways. It provides them with experience in the art of persuasion and the ability to present a case clearly and concisely. Mooting not only offers practical experience in court procedures but also helps in building the self-confidence necessary for every advocate.

### **Mock Trials (பயிற்சி வழக்கு விசாரணை)**

A mock trial differs from a moot court in that it involves a mock jury, witnesses, and a trial-like setting. The purpose of a mock trial is to simulate a real trial experience, allowing participants to develop their forensic abilities.

Mock trials can be conducted in law schools, and the cases may be modeled upon actual trial cases. It is recommended to keep the number of witnesses to five or six, and participants should have attended real trials to understand courtroom procedures.

மாதிரி விசாரணை, மாதிரி நீதிமன்றம் என்பதிலிருந்து மாறுபடுகிறது, ஏனெனில் இதில் மாதிரி நியாயவியல் குழு, சாட்சிகள் மற்றும் ஒரு விசாரணை போன்ற அமைப்பு அடங்கும். மாதிரி விசாரணையின் நோக்கம், ஒரு உண்மையான விசாரணையின் அனுபவத்தை உருவகப்படுத்தி, பங்கேற்பாளர்கள் தங்கள் நீதித் திறன்களை வளர்க்க அனுமதிக்கிறது.

மாதிரி விசாரணைகள் சட்டப் பள்ளிகளில் நடத்தப்படலாம், மேலும் வழக்குகள் உண்மையான விசாரணை வழக்குகளை மையமாகக் கொண்டு உருவாக்கப்படலாம். சாட்சிகளின் எண்ணிக்கையை ஐந்து அல்லது ஆறு ஆக வைத்துக் கொள்ள பரிந்துரைக்கப்படுகிறது, மேலும் பங்கேற்பாளர்கள் நீதிமன்ற நடைமுறைகளைப் புரிந்துகொள்ள உண்மையான விசாரணைகளில் கலந்து கொண்டிருக்க வேண்டும்.

## **The Game of Alibi (அலிபி (வேறு) இடத்தில் இருந்ததாக தற்காப்பு விளையாட்டு)**

The game of alibi is another engaging activity organized by law societies. In this game, groups of four participants are formed, consisting of two prosecuting counsels and two defendants. The defendants are assumed to have committed a crime and have set up an alibi. The prosecuting counsels cross-examine the defendants to break down their alibi, aiming to disprove their claim. The jury then signifies their verdict by a show of hands, deciding whether the alibi stands or falls.

The term alibi comes from Latin and means "elsewhere." In legal contexts, it refers to a claim or evidence that the defendant was in a different place when an alleged act, typically a crime, took place.

This activity not only enhances participants' understanding of legal procedures and critical thinking but also sharpens their skills in argumentation and cross-examination.

Alibi என்ற பதத்தின் மூலம் அதற்கான தொடக்கத்தை விளக்க முடிகிறது.

Alibi என்ற சொல் லத்தீன் மொழியில் இருந்து வந்தது மற்றும் அதன் பொருள் "வேறு இடத்தில்" என்பதாகும். சட்ட நடைமுறைகளில், இது ஒரு குற்றச்சாட்டிற்குரிய வேறு இடத்தில் இருந்தார் என்பதற்கான ஆதாரம் அல்லது வாதம் என்று குறிப்பிடப்படுகிறது.

முக்கியமாக, Alibi ஒரு நபர் குறிப்பிட்ட குற்றத்தைச் செய்திருக்க முடியாத காரணத்தை விளக்குகிறது, ஏனெனில் குறித்த நேரத்தில் அவர்கள் வேறு இடத்தில் இருந்தார்கள் என்பதே அதற்கான சாட்சியமாகும்.

In essence, an alibi provides proof that the person could not have committed the alleged crime because they were somewhere else at the relevant time.

அலிபி விளையாட்டு என்பது சட்ட சங்கங்களால் ஏற்பாடுசெய்யப்பட்ட மேலும் ஒரு நடவடிக்கையாகும். இதில்,

நான்கு பங்கேற்பாளர்கள் கொண்ட குழுக்கள் அமைக்கப்படுகின்றன, இதில் இரண்டு வழக்குத் தொடர்ந்த வக்கீல்களும், இரண்டு குற்றவாளிகளும் அடங்கும். குற்றவாளிகள் ஒரு குற்றத்தைச் செய்ததாகக் கருதப்படுகிறார்கள் மற்றும் ஒரு அலிபியை உருவாக்கியுள்ளனர். வழக்குத் தொடர்ந்த வக்கீல்கள் குற்றவாளிகளின் அலிபியை உடைக்க வாக்குமூலங்களை கேட்கிறார்கள், மேலும், நியாயவியல் குழு தங்கள் தீர்ப்பை கைகாட்டுவதன் மூலம் தெரிவிக்கின்றது.

### **False Evidence (போலி ஆதாரம் /தவறான சாட்சி)**

False evidence is a game similar to alibi. Three masked defendants are questioned about their day-to-day lives by the counsels. One of the defendants has assumed a completely false name and occupation, and the jury's task is to determine which defendant is the imposter. The counsels try to establish discrepancies between the defendant and their witness through cross-examination.

### **Third Degree (மூன்றாவது கோணம்)**

Third degree is another variant of moots and mock trials. In this game, one member of the society is selected as the defendant and given the outline of an alibi defense. The rest of the participants question the defendant for 15 minutes to establish self-contradictions and discrepancies in their alibi.

These activities, including moot courts, mock trials, and various games, provide valuable experiences for budding advocates to develop their legal skills and courtroom abilities.

### **(4) Conclusion**

Moot court and mock trial activities are instrumental in the comprehensive development of law students. These exercises offer an invaluable opportunity to practice and refine essential legal skills such as research, writing, and oral advocacy in a simulated courtroom environment. Through moot court, students engage in appellate advocacy, enhancing their ability to construct and deliver persuasive arguments. Meanwhile, mock trials provide a platform to experience

the dynamics of trial procedures, including examination and cross-examination of witnesses, presenting evidence, and making objections.

Participating in these activities prepares students for the practical challenges of legal practice by fostering critical thinking, strategic planning, and the ability to respond under pressure.

Moreover, these simulations help cultivate professional demeanor and ethical standards, which are crucial for a successful legal career. Ultimately, moot court and mock trial experiences contribute significantly to shaping well-rounded, confident, and capable legal professionals ready to advocate effectively in real-world legal settings.

## **OVERVIEW: MOOTS AND MOCK TRIALS FROM LEARNING THE LAW BY GLANVILLE WILLIAMS**

Moots and mock trials are an integral part of legal education, providing students with practical experience and an opportunity to apply legal principles in a simulated courtroom setting. These activities help students develop essential skills such as legal research, oral advocacy, critical thinking, and teamwork. Let's explore some key aspects of moots and mock trials in legal education.

### **Moot Court Competitions**

Moot court competitions simulate appellate court proceedings, where students argue hypothetical cases based on real legal issues. Participants present oral arguments before a panel of judges, responding to questions and defending their legal positions. Moot court competitions often involve extensive research, brief writing, and oral advocacy training.

One example of a moot court competition is the Gordon D. Schaber Mock Trial & Moot Court Competition, which develops unique cases to create powerful learning experiences on the rule of law and the judicial system.



## **Mock Trials**

Mock trials simulate real court proceedings, allowing students to act as attorneys and witnesses in a fictional legal case. Participants present evidence, examine witnesses, make opening and closing statements, and argue their case before a judge or jury. Mock trials provide students with practical experience in trial advocacy, evidence presentation, and courtroom procedure.

## **Experiential Learning Requirement**

Many law schools have experiential learning requirements that students must fulfill to graduate. These requirements often include participating in moot court or mock trial activities. For example, Emory Law has a Six-Credit Experiential Learning Requirement that can be satisfied by completing one or more experiential courses from an approved list, which includes trial techniques and approved simulation courses.

## **Benefits of Moots and Mock Trials**

Participating in moots and mock trials offers several benefits to law students. These activities provide hands-on experience in legal advocacy, helping students develop crucial skills such as legal research, oral presentation, critical thinking, and teamwork. Moots and mock trials also offer an opportunity to receive feedback from experienced judges and practitioners, allowing students to refine their advocacy skills and gain confidence in their abilities.

Moots and mock trials play a vital role in legal education, providing students with practical experience and an opportunity to apply legal principles in a simulated courtroom setting. These activities help students develop essential skills and prepare them for the challenges of legal practice. Whether participating in moot court competitions or mock trials, students can gain valuable experience and enhance their legal education.

***Turn the next page.***

### **1.7. Part I: Keeping the streams of justice Clear and Pure from The Due Process of Law by Lord Denning.**

Due Process of Law (ட்டத்தின் தேவையான செயல்முறை); This incorporates "due" to emphasize the necessity or requirement of the process. — **Lord Denning** (லார்ட் டென்னிங் (**Lārt Tenniñ**))

#### **Titles or Topics or Synopsis**

##### **A. Part One – Keeping the Streams of Justice clear and Pure.**

- A1. In the face of Court
- A2. The Victimization of witnesses
- A3. Refusing to answer questions
- A4. Scandalising the Court
- A5. Disobedience to an order of the Court
- A6. Prejudicing a fair trial

##### **A1. IN THE FACE OF COURT**

###### **1. In my own presence**

The phrase "contempt in the face of the Court" refers to a type of contempt that a judge directly witnesses, eliminating the need for additional witness evidence, allowing the judge to address it immediately.

A well-known case from 1631 in Salisbury on the Western Circuit illustrates this. A condemned prisoner threw a brickbat at Chief Justice Richardson, narrowly missing him. The incident, originally reported in Norman-French, describes how an indictment was quickly drawn, resulting in the prisoner's hand being cut off and him being hanged in the presence of the court.

I've shared this case with students, adding a humorous note: 'The Judge, resting his head on his hand as the brickbat flew by, remarked, "If I'd been an upright judge, I would no longer be a judge."'

I have also witnessed such events. Once, while waiting in the Court of Appeal, a man threw a tomato at the judges. It missed and hit the paneling, leading to his immediate sentencing to six weeks' imprisonment.

Later, while sitting with Lord Justice Bucknill, a man broke a glass window in the courtroom. Instead of committing him for contempt, we sent him to Bow Street for malicious damage.

In another instance, a frequent litigant threw books at us in court. Instead of reacting, we ignored her attempts to be held in contempt, showing leniency and composure.

## **2. The Welsh students invade the court**

It was a dramatic case involving Welsh students protesting because the programs for Wales were being broadcast in English instead of Welsh. They demonstrated by invading the court in London. I understood their point of view, as I have a special connection with Wales from my time in the Royal Engineers during World War I, where I served with the Welsh Division and wore the Red Dragon of Wales.

### **Advancing Across the River Ancre**

During World War I, two battalions crossed the Ancre River at Aveley over a bridge made by the 151st Field Company under the supervision of Lieutenants Denning and Butler. This entry in the history of the Welsh Division records the night of August 23/24, 1918, when we advanced under heavy shell and rifle fire.

### **Morris v Crown Office**

The case of the Welsh students, *Morris v Crown Office* ([1970] 2 QB 114), was the first in which the Court of Appeal had to consider 'contempt in the face of the Court'. Eleven students from the University of Aberystwyth were sentenced to three months in prison for disrupting a court session with slogans, pamphlets, and songs.

The judge, Lawton J, had to adjourn the court due to their actions. Three students were sentenced immediately, while the others were given fines or further imprisonment based on their willingness to apologize.

### **Sentencing and Appeal**

Sentencing these students for contempt of court was a necessary exercise of judicial power to maintain law and order. An appeal was quickly arranged, and we heard and decided the case within a week. During the appeal, the students showed respect for the court, and their sentences were reconsidered. Recognizing their intent to preserve the Welsh language and their overall good character, we decided to release them from prison but required them to maintain good behavior and keep the peace for the next 12 months.

### **Reaction**

The reaction from England included criticism, while Wales expressed satisfaction and gratitude for the decision. Newspapers applauded the ruling, and a Dean of Divinity thanked us for doing justice for the young people.

### **3. The official Solicitor comes in with the Devil**

**Contempt in the Face of the Court:** The contempt was committed 'in the face of the Court.' The Judge saw it with his own eyes, so he needed no evidence to prove it. But does this kind of contempt apply only to what the Judge sees? If the Judge sees nothing and needs witnesses, can he try it summarily? Is the offender entitled to legal representation and a trial by jury? These questions arose in another case: *Balogh v St. Albans Crown Court*.

**Case of Mr. Balogh:** Mr. Balogh, the son of the distinguished economist Lord Balogh, played a practical joke and was sentenced to six months in prison by Melford Stevenson J. Wishing to appeal, Mr. Balogh wrote to the Official Solicitor.

**Role of the Official Solicitor:** The Official Solicitor is invaluable, looking after those who cannot, or will not, look after themselves, such as infants and those in need of protection. He has a special interest in cases of contempt of court because people can be obstinate. For instance, a husband might disobey an order to sell the house to his wife and choose to stay in prison indefinitely instead. The Official Solicitor takes up such cases and gets them released, as in *Danchevsky v Danchevsky*.

**Taking Up Mr. Balogh's Case:** The Official Solicitor took up Mr. Balogh's case and lodged a notice of appeal. The Judge could not be the respondent to the appeal, as no judge can be sued for actions taken in a judicial capacity. Thus, the Attorney-General was invited to appoint a counsel as *amicus curiae* (a friend of the Court). Mr. Gordon Slynne, the Treasury 'Devil', was appointed.

**Role of the Treasury 'Devil':** A 'devil' in legal terms is an unpaid assistant. When I started at the Bar, I often did unpaid work for a senior barrister to gain experience. Nowadays, a 'devil' is always paid. The Treasury 'Devil' is the best of the juniors at the Bar, often on the path to becoming a judge. Mr. Gordon Slynne was outstanding, the best I have ever known, and he is destined for great things.

#### **4. The "Laughing gas" does not escape**

**Mr. Balogh's Practical Joke:** Mr. Balogh's practical joke is so entertaining — and the Judge's handling of it so instructive — that I would simply quote from it and let my judgment speak for itself.

**The Incident:** There is a new Court House at St. Albans. It is air-conditioned. In May of this year, the Crown Court was sitting there. A case was being tried about pornographic films and books. Stephen Balogh was there each day. He was a casual hand employed by solicitors for the defense, just as a clerk at £5 a day, knowing no law. The case dragged on and on. He got exceedingly bored. He made a plan to liven it up. He knew something about a gas called nitrous oxide (N<sub>2</sub>O). It gives an exhilarating effect when inhaled. It is called "laughing gas".

He had learned all about it at Oxford. During the trial, he took a half cylinder of it from the hospital car park. He carried it about with him in his briefcase. His plan was to put the cylinder at the inlet to the ventilating system and to release the gas into the court. It would emerge from the outlets which were just in front of counsel's row. So, the gas, he thought, would enliven their speeches. It would be diverting for the others. A relief from the tedium of pornography.

**Execution of the Plan:** One night when it was dark, he got onto the roof of the courthouse. He did it by going up from the public gallery. He found the ventilating ducts and decided where to put the cylinder. The next morning, soon after the court sat, at 11:15, he took his briefcase, with the cylinder in it, into court no. 1. That was not the pornography court. It was the next-door court. It was the only court which had a door leading up to the roof. He put the briefcase on a seat at the back of the public gallery. Then he left for a little while. He was waiting for a moment when he could slip up to the roof without anyone seeing him. But the moment never came. He had been seen the night before. The officers of the court had watched him go up to the roof. So in the morning, they kept an eye on him. They saw him put down his briefcase. When he left for a moment, they took it up. They were careful. There might be a bomb in it. They opened it. They took out the cylinder. They examined it and found out what it was. They got hold of Balogh. They cautioned him. He told them frankly just what he had done. They charged him with stealing a bottle of nitrous oxide. He admitted it. They kept him in custody and reported the matter to Melford Stevenson J, who was presiding in court no. 1 (not the pornography court).

**Judge's Response:** At the end of the day's hearing, at 4:15 p.m., the judge had Balogh brought before him. The police inspector gave evidence. Balogh admitted it was all true. He meant it as a practical joke. But the judge thought differently. He was not amused. To him, it was no laughing matter. It was a very serious contempt of court. Balogh said:

**Balogh's Argument:** "I am actually in the wrong court at the moment. The proceedings which I intended to subvert are next door. Therefore, it is not contempt against your court for which I should be tried." The judge replied:

**Judge's Decision:** "You were obviously intending at least to disturb the proceedings going on in courts in this building, of which this is one. You will remain in custody tonight and I will consider what penalty I impose on you ... in the morning."

**Next Day's Hearing:** The next morning, Balogh was brought again before the judge. The inspector gave evidence of his background. Balogh was asked if he had anything to say. He said: "I do not feel competent to conduct it myself. I am not represented in court. I have committed no contempt. I was arrested for the theft of the bottle. No further charges have been preferred."

**Judge's Sentence:** The judge gave sentence: "It is difficult to imagine a more serious contempt of court and the consequences might have been very grave if you had carried out your express intention. I am not going to overlook this and you will go to prison for six months. I am not dealing with any charge for theft. I am exercising the jurisdiction to deal with the contempt of court which has been vested in this court for hundreds of years. That is the basis on which you will now go to prison for six months." Balogh made an uncouth insult: "You are a humorless automaton. Why don't you self-destruct?" He was taken away to serve his sentence.

**Balogh's Apology:** Eleven days later, he wrote from prison to the Official Solicitor. He acknowledged that his behavior had been contemptible, and that he was now thoroughly humbled. He asked to be allowed to apologize in the hope that his contempt would be purged. The Official Solicitor arranged at once for counsel to be instructed, resulting in the appeal coming to this court.

**Definition of Contempt in the Face of the Court:** But I find nothing to tell us what is meant by "committed in the face of the court". It has never been defined. Its meaning is, I think, to be ascertained from the practice of the judges over the centuries.

It was never confined to conduct which a judge saw with his own eyes. It covered all contempt for which a judge of his own motion could punish a man on the spot. So “contempt in the face of the court” is the same thing as “contempt which the court can punish of its own motion”. It really means “contempt in the cognizance of the court”.

**Summary Punishment:** Gathering together the experience of the past, then, whatever expression is used, a judge of one of the superior courts or a judge of Assize could always punish summarily of his own motion for contempt of court whenever there was a gross interference with the course of justice in a case that was being tried, or about to be tried, or just over — no matter whether the judge saw it with his own eyes or it was reported to him by the officers of the court, or by others — whenever it was urgent and imperative to act at once. This power has been inherited by the judges of the High Court and in turn by the judges of the Crown Court.

**Power of Summary Punishment:** This power of summary punishment is a great power, but it is a necessary power. It is given so as to maintain the dignity and authority of the court and to ensure a fair trial. It is to be exercised by the judge of his own motion only when it is urgent and imperative to act immediately — so as to maintain the authority of the court — to prevent disorder — to enable witnesses to be free from fear — and jurors from being improperly influenced. — and the like. It is, of course, to be exercised with scrupulous care, and only when the case is clear and beyond reasonable doubt: see *R v Gray* [1900] 2 QB 36, 41 by Lord Russell of Killowen CJ. But properly exercised it is a power of the utmost value and importance which should not be curtailed.

**Historical Perspective:** Over 100 years ago Erie CJ said that...these powers, ... as far as my experience goes, have always been exercised for the advancement of justice and the good of the public”: see *Ex parte Fernandez* (1861) 10 CBNS 3, 38. I would say the same today.



From time-to-time anxieties have been expressed lest these powers might be abused. But these have been set at rest by section 13 of the Administration of Justice Act 1960, which gives a right of appeal to a higher court.

**When a Judge Should Act:** As I have said, a judge should act of his own motion only when it is urgent and imperative to act immediately. In all other cases, he should not take it upon himself to move. He should leave it to the Attorney General or to the party aggrieved to make a motion in accordance with the rules in R.S.C., Ord. 52. The reason is so that he should not appear to be both prosecutor and judge: for that is a role which does not become him well.

**Judge's Proper Response in Balogh's Case:** Returning to the present case, it seems to me that up to a point, the judge was absolutely right to act of his own motion. The intention of Mr. Balogh was to disrupt the proceedings in a trial then taking place. His conduct was reported to the senior judge then in the court building. It was very proper for him to take immediate action and to have Mr. Balogh brought before him. But once he was there, it was not a case for summary punishment. There was not sufficient urgency to warrant it. Nor was it imperative. He was already in custody on a charge of stealing. The judge would have done well to have remanded him in custody and invited counsel to represent him. If he had done so, counsel would, I expect, have taken the point to which I now turn.

**Assessing Balogh's Contempt:** When this case was opened, it occurred to each one of us: Was Mr. Balogh guilty of the offense of contempt of court? He was undoubtedly guilty of stealing the cylinder of gas, but was he guilty of contempt of court? No proceedings were disturbed. No trial was upset. Nothing untoward took place. No gas was released. A lot more had to be done by Mr. Balogh. He had to get his briefcase. He had to go up to the roof. He had to place the cylinder in position. He had to open the valve. Even if he had done all this, it is very doubtful whether it would have had any effect at all. The gas would have been so diluted by air that it would not have been noticeable.

So here Mr. Balogh had the criminal intent to disrupt the court, but that is not enough. He was guilty of stealing the cylinder, but no more.

**Judge's Error:** On this short ground, we think the judge was in error. We have already allowed the appeal on this ground. But, even if there had not been this ground, I should have thought that the sentence of six months was excessive. Balogh spent 14 days in prison, and he has now apologized. That is enough to purge his contempt, if contempt it was.

**Conclusion:** There is a lesson to be learned from the recent cases on this subject. It is particularly appropriate at the present time. The new Crown Courts are in being. The judges of them have not yet acquired the prestige of the Red Judge when he went on Assize. His robes and bearing made everyone alike stand in awe of him. Rarely did he need to exercise his great power of summary punishment. Yet there is just as much need for the Crown Court to maintain its dignity and authority. The judges of it should not hesitate to exercise the authority they inherit from the past. Insults are best treated with disdain — save when they are gross and scandalous. Refusal to answer with admonishment — save where it is vital to know the answer. But disruption of the court or threats to witnesses or to jurors should be visited with immediate arrest. Then a remand in custody and, if it can be arranged, representation by counsel. If it comes to a sentence, let it be such as the offense deserves — with the comforting reflection that, if it is in error, there is an appeal to this court. We always hear these appeals within a day or two. The present case is a good instance. The judge acted with a firmness which became him. As it happened, he went too far. That is no reproach to him. It only shows the wisdom of having an appeal.

## A2. THE VICTIMISATION OF WITNESSES (சாட்சிகளின் துன்புறுத்தல்)

### 1. The trade union member is deprived of his office

**Introduction:** Now I turn to a closely related topic. Every court depends on witnesses. It is vital for justice that they give their evidence freely and without fear. Yet, witnesses may be suborned to commit perjury, threatened with consequences if they tell the truth, or punished afterward for telling the truth. It is a gross contempt of court to intimidate or victimize a witness, yet it was not fully debated until 1962 in *Attorney-General v Butterworth* [1963] 1 QB 696.

**The Case:** Mr. Butterworth and others, members of a trade union committee, disliked the evidence given by one of their members before the Restrictive Practices Court. They punished him by depriving him of his office as branch delegate and treasurer. The Attorney-General, having a public duty to prosecute for contempt of court, considered their action contempt and applied to the Restrictive Practices Court. They held it was not contempt. The Attorney-General appealed to our court.

**Historical Context:** The case was argued over three days, 11, 12, and 13 July 1962. This coincided with the 'night of the long knives' when Prime Minister Harold Macmillan dismissed many of his ministers, including the Lord Chancellor, Lord Kilmuir. During the case, the Attorney-General, Sir Reginald Manningham-Buller, was appointed Lord Chancellor. Despite this, we decided in his favor based on the merit of his argument. Our judgment sought to enunciate the relevant principles.

**Court's Decision:** In the case of *Butterworth, Bailey, and Etherton*, their predominant motive was to punish Greenlees for giving evidence. There was no authority in the books, but we declared that intimidating or victimizing a witness is a gross contempt of court. Witnesses must give their evidence freely and without fear of repercussions. We cited Lord Langdale MR in *Littler v Thomson* (1839) 2 Beav 129 at 131: "If witnesses are deterred from aiding legal proceedings, it will be

impossible to administer justice. It would be better to close the doors of the courts of justice.”

**Further Clarifications:** We clarified that victimization of a witness is contempt of court, whether during pending proceedings or after they conclude. Such contempt can be punished by the court where the witness gave evidence. We also noted that if the witness suffers damage, they may have redress in a civil court for damages.

**Conclusion:** We concluded that the mixed motives of the acts did not diminish the contempt. If the act of punishing a witness is an influencing motive, it is contempt of court. Considering the apology from the union members, we did not impose the entire burden of costs on them. Three members were to pay £200 each, and the other three £100 each, totaling £900 towards the Attorney-General's costs.

## **2. The tenant is evicted from his home**

**Introduction:** Now there is an important point that arises when a witness is victimized and suffers loss because of it. The contemner can be punished by the courts through fines or imprisonment. But can the sufferer sue the contemner for damages? I believe they should be able to. Victimization is not only a criminal offense but also a civil wrong, or tort. This point was much discussed a few months later, and I regret to say I found myself in the minority. It was a shocking case.

**Case Details:** A house was let out by a landlord in tenement flats. The landlord forcibly evicted a tenant named Harrand, who sued the landlord for damages for wrongful eviction. Chapman, the next-floor tenant, had seen what had happened. Here are the facts as reported in *Chapman v Honig* [1963] 2 QB 502 at 504.

**Chapman's Situation:** Chapman had been a tenant since 1959. He saw what happened on the second floor, and Harrand wanted him to give evidence in his action against the landlord. Fearing repercussions, Chapman did not go to court voluntarily but was subpoenaed.

He gave evidence on 22 June 1962 before Judge Baxter. On the very next day, 23 June 1962, the landlord served notice to quit his first-floor flat on 28 July 1962, simply because Chapman had given evidence for Harrand. The judge found the landlord's action was to punish or victimize Chapman for giving evidence.

**Judge's Decision:** The judge awarded £50 damages for contempt of court. The landlord's notice to quit and attempt to evict Chapman vindictively was a contempt of court, a criminal offense, and punishable accordingly (*Attorney-General v Butterworth*). Being done by father and son in combination to injure, it may also have been a conspiracy (*Crofter Hand Woven Harris Tweed Co Ltd v Veitch*). It was unlawful.

**Majority's View:** My brother Pearson LJ had doubts. He thought victimizing a witness is not contempt of court unless others are likely to know and be deterred from giving evidence. If the tenant publicizes his grievance, the landlord is guilty of contempt; if the tenant keeps it to himself, the landlord does no wrong. That cannot be right.

**Principle:** The principle is simple: no law can compel a witness to give evidence and then refuse to give him redress if victimized. The court must protect witnesses by every means. If a landlord intimidates a tenant by threatening notice to quit, the court must grant an injunction to restrain the landlord. If the landlord victimizes a tenant with notice to quit, the court must hold it invalid. Nothing else will vindicate the law's authority and enable witnesses to give evidence freely.

**Counter-Arguments:** Some say holding the notice invalid is pointless because the landlord can issue another valid notice later. But if the landlord has committed gross contempt, any subsequent notice should be invalid unless proven free from taint. The tenant must pay rent and fulfill covenants, so there is no injustice in requiring the landlord to clear his conscience.

**Damages Example:** Consider a valet who gives evidence against his master in a divorce suit and is spitefully dismissed the next day. The notice is unlawful, but the servant cannot stay against the master's will. The damages would be assessed to compensate for the loss of the chance of being kept on longer if not victimized. The law must give adequate redress to an innocent person victimized for obeying its commands.

**Conclusion:** This is a new case. No similar cases have come before the courts. We have a choice: to redress a grievous wrong or leave it unremitted; to protect the victim or let him suffer; to uphold the law's authority or watch it flouted. I believe the law must protect witnesses from punishment. Judge Sir Alun Pugh granted an injunction, Judge Baxter awarded damages, and I agree. The tenant should not be left without remedy. I would dismiss this appeal.

**Minority View:** My colleagues held the notice to quit was valid and the tenant had no remedy in damages. They overruled Judges Sir Alun Pugh and Baxter, who are very good and experienced judges, and also overruled me. They suggested that, as a general proposition, there can never be a right of action for damages for contempt of court. Pearson LJ said significantly (at page 522):

**Pearson LJ's Proposition:** "The general proposition (that there can never be a right of action) might well be correct, but in the present case it is enough to say that there can be no such right of action in respect of an act which, as between the plaintiff and the defendant, has been done in exercise of a right under a contract or other instrument and in accordance with its provisions. The same act as between the same parties cannot reasonably be supposed to be both lawful and unlawful — in the sphere of contract, valid and effective to achieve its object, and in the sphere of tort, wrongful and imposing a tortious liability."

**Decision Aftermath:** That decision went no further. My two colleagues went so far as to refuse the tenant leave to appeal to the Lords, likely because only £50 was involved. The tenant was legally aided, and the landlord was not. It would have been hard on the landlord to take the matter to the Lords over such a small sum. This case is a disturbing

reflection on our doctrine of precedent as recently proclaimed by the Lords. The majority decision in *Chapman v Honig* is binding on all courts for the future unless someone comes along with the time, money, and courage to take it to the Lords. I would venture to ask my lawyer readers: Would you advise your client to take it to the Lords?

### **A3. REFUSING TO ANSWER QUESTIONS**

#### **1. Two journalists are sent to prison**

**Introduction:** Next there came a case of intense public interest. Two journalists refused to answer questions asked of them in the witness-box. They were sent to prison. Were they guilty of contempt of court?

**The Allegations:** Newspapers had been saying there was a spy in the Admiralty. Parliament ordered an inquiry. Lord Radcliffe presided over it. One of the journalists had written that 'it was the sponsorship of two high-ranking officials which led to Vassall avoiding the strictest part of the Admiralty's security vetting'. Lord Radcliffe asked the journalist: 'What was the source of your information? Where did you get it from?' The journalist said: 'I decline to answer'. Lord Radcliffe asked: 'Will you inquire from the source whether he is willing for it to be divulged?' The journalist still declined to answer.

**Contempt of Court:** Lord Radcliffe informed the Attorney-General. He moved the Court to punish the journalist for contempt of court. Mr. Justice Gorman sentenced him to six months. The journalist appealed to our Court. It raised the question of whether a journalist has any privilege in the matter.

**Relevance of the Question:** A preliminary point arose as to the relevancy of the question. A witness is only bound to answer a relevant question, not an irrelevant one. The cases, heard together, were *Attorney-General v Mulholland*; *Attorney-General v Foster* [1963] 2 QB 477 at 487. I dealt with the point in this way:

**Judge's Perspective:** 'Was the question relevant to the inquiry? Was it one that the journalist ought to answer? It seems to me that if the inquiry was to be as thorough as the circumstances demanded, it was

incumbent on Mulholland to disclose to the tribunal the source of his information. The newspapers had made these allegations. If they made them with a due sense of responsibility (as befits a press which enjoys such freedom as ours) then they must have based them on a trustworthy source. Heaven forbid that they should invent them! And if they did get them from a trustworthy source, then the tribunal must be told of it. How otherwise can the tribunal discover whether the allegations are well-founded or not? The tribunal cannot tell unless they see for themselves this trustworthy source, this witness who is the foundation of it all. The tribunal must, therefore, be entitled to ask what was the source from which the information came'.

**The Question of Privilege:** 'However relevant these questions were, it is argued that a journalist has a legal privilege to refuse to reveal his sources. The journalist justifies this by the pursuit of truth, claiming it is in the public interest to obtain information in confidence and publish it.

He argues that exposing wrongdoing and neglect of duty is vital, and he cannot get this information unless he keeps the source secret. If sources are known to be disclosed, their mouths will be closed.

**Judge's Counterargument:** The journalists' claim is too high. The only profession given a privilege from disclosing information to a court is the legal profession, and even then, it is the client's privilege. Clergymen, bankers, and medical professionals do not have this privilege. Judges respect the confidences of these professions and will not direct them to answer unless it is relevant, proper, and necessary for justice. A judge weighs these conflicting interests. If a judge determines a journalist must answer, no privilege will allow refusal.



**Legal Position:** The authorities are clear. There is no legal privilege allowing a journalist to refuse to answer a relevant and proper question. In this case, it is in the public interest for the tribunal to inquire about the sources. Without disclosure, the story could be an invention or idle gossip. If the source is trustworthy, the journalist must disclose it as directed by the tribunal as a matter of public duty.

**Sentencing:** We considered the sentences of six months and three months for Mulholland and Foster. After full consideration, we felt unable to adopt the view that the sentences were disproportionate to the serious nature of the offense.

## **2. The New Statesman is angry**

**Journalistic Backlash:** The case made some journalists very angry. The New Statesman published an article by one of them against us judges, suggesting that the press would retaliate: 'Any judge who gets involved in a scandal during the next year or so must expect the full treatment.'

**Daily Mirror's Retort:** To which the Daily Mirror retorted with a nice piece of satire: 'Is it likely that Lord Denning will be copped in a call-girl's boudoir, or Lord Justice Danckwerts be caught napping flogging stolen cigarettes, or Lord Justice Donovan be caught pinching a Goya from the National Gallery? Is Mr. Justice Gorman, who sentenced the two silent journalists, likely to be discovered running a Soho strip-tease club when the Courts are in recess?'

**Public Perception:** The possibility is laughably remote. The Mirror recognizes that it is the duty of a judge to administer the law as the law stands, and not as some would like it to be. Thanks be to the Daily Mirror!

## A4. SCANDALISING THE COURT

### 1. Lord Mansfield is criticized

**Introduction:** When judges of a court are criticized or defamed—referred to as ‘scandalized’—they can punish the offender. This action is taken not to protect themselves as individuals but to preserve the authority of the court.

**Historical Context:** One of the most eloquent passages in our law books on this matter comes from a judgment prepared but never delivered by Mr. Justice Wilmot. The criticized judge was one of our greatest, Lord Mansfield, in 1765. He had made an amendment to an information against John Wilkes. Mr. Almon, who had a shop in Piccadilly, published a pamphlet entitled ‘A Letter concerning Libels, Warrants, Seizure of Papers, & c.’, selling it for 1s 6d. In it, he claimed that Lord Mansfield had made the amendment ‘officially, arbitrarily, and illegally’.

**Contempt of Court:** In those days, such criticisms were not taken lightly. The Attorney-General moved to commit Mr. Almon for contempt of court. The case was argued, and Mr. Justice Wilmot prepared a 28-page judgment ready to punish Mr. Almon. However, Mr. Almon apologized, the Attorney-General resigned, and the proceedings were dropped. Mr. Justice Wilmot’s judgment was never delivered.

**Publication of Judgment:** Forty years later, the judgment was published in a volume of Wilmot’s cases under the title *R v Almon* (1765) Wilm 243-271. In it, he eloquently stated (at page 259):

‘If their authority (i.e., of the Judges) is to be trampled upon by pamphleteers and news-writers, and the people are to be told that the power given to the Judges for their protection is prostituted to their destruction, the Court may retain its power for a little time, but I am sure it will instantly lose all its authority; and the power of the Court will not long survive the authority of it: is it possible to stab that authority more fatally than by charging the Court, and more particularly the Chief Justice, with having introduced a rule to subvert

the constitutional liberty of the people? A greater scandal could not be published’.

## **2. Mr. Justice Avory comes under fire**

**Revival of ‘Scandalising the Court’:** We have traveled far since that time. In the 1920s, the offense of ‘scandalising the Court’ was regarded as virtually obsolete. But it was revived in a case in 1928 when I was four years called to the Bar. I was in chambers at No. 4 Brick Court with few briefs, spending much of my time editing—or helping edit—a new edition of Smith’s Leading Cases. However, I did find time to cross the Strand and listen to this cause célèbre.

**The New Statesman Article:** The New Statesman had published an article criticizing Mr. Justice Avory, a judge held with respect, almost with awe. He was a small, resolute, and stern man, evident in his firm mouth and piercing grey eyes. He had tried a libel action with a jury, awarding £200 damages against Dr. Marie Stopes, an advocate of birth control, then frowned upon (see *Sutherland v Stopes* [1925] AC 47). The New Statesman denounced the case and added: ‘The serious point in this case, however, is that an individual owning to such views as those of Dr. Stopes cannot apparently hope for a fair hearing in a Court presided over by Mr. Justice Avory — and there are so many Avorys.’

**Legal Proceedings:** Proceedings were taken against the editor of the New Statesman for contempt of court, reported in *R v New Statesman* (1928) 44 TLR 301. On one side was the Attorney-General, Sir Douglas Hogg KC, and on the other, Mr. William Jowitt KC. Each was a brilliant advocate who later became Lord Chancellor. Jowitt, tall, handsome, and distinguished, had a resonant voice and clear diction, whereas Hogg looked like Mr. Pickwick and spoke like Demosthenes.

**Arguments in Court:** Jowitt, for the New Statesman, quoted a judgment by a strong Board of the Privy Council in 1899: ‘Committals for contempt of Court by scandalising the Court itself have become obsolete in this country. Courts are contented to leave to public opinion attacks or comments derogatory or scandalous to them’

(McLeod v St. Aubyn) [1899] AC 549 at 561. Hogg replied by quoting Wilmot's undelivered judgment, upholding the offense on the ground that 'to be impartial, and to be universally thought so, are both absolutely necessary'.

**Tactical Handling:** Seeing the Court was against him, Jowitt handled them tactfully. While submitting there was no contempt, he excused the article by reason of the haste in which it was written and humbly apologized if it were held to be contempt. This pleased the Court. They did not send the editor to prison. They adjudged him guilty of contempt but did not fine him, only ordering him to pay the costs.

### **3. We ourselves are told to be silent**

**Introduction:** Oddly enough, the last case on this subject concerned Sir Douglas Hogg's son, Mr. Quintin Hogg, as he then was. In his full title, the Rt. Hon. Quintin Hogg QC, MP, now Lord Hailsham of St. Marylebone, the Lord Chancellor, is the most gifted man of our time. Statesman, Orator, Philosopher —he has no compare. While out of office, he is by turns author, journalist, and television personality.

**The Incident:** In his exuberance, he wrote for Punch and in 1968 found himself brought up by Mr. Raymond Blackburn on the charge that he was guilty of contempt of court. He criticized the Court of Appeal in words as strong as those in which Mr. Almon criticized Lord Mansfield. His words are set out fully in the report of the case, *R v Commissioner of Police of the Metropolis* [1968] 2 QB 150 at 154. He said:

'The Legislation of 1960 and thereafter has been rendered virtually unworkable by the unrealistic, contradictory and, in the leading case, erroneous, decisions of the courts, including the Court of Appeal ... it is to be hoped that the courts will remember the golden rule for judges in the matter of obiter dicta. Silence is always an option'.

**Court Hearing:** The case came before us on a Monday morning, 26 February 1968. Mr. Blackburn applied in person. Mr. Hogg was in court but was represented by the most graceful advocate of our time, Sir Peter Rawlinson QC, now Lord Rawlinson. He told us that Mr. Hogg in no way intended to scandalize the Court or the Lords Justices — whom he held in the highest personal and professional regard — but he maintained that the article constituted a criticism which he had a right to state publicly.

**Court's Response:** We accepted the submission. We delivered judgment straightaway, as we usually do. We did not write twenty-eight pages as Mr. Justice Wilmot did. This is what I said (at page 154):

**Judgment:** 'This is the first case, so far as I know, where this court has been called on to consider an allegation of contempt against itself. It is a jurisdiction which undoubtedly belongs to us but which we will most sparingly exercise: more particularly as we ourselves have an interest in the matter.

'Let me say at once that we will never use this jurisdiction as a means to uphold our own dignity. That must rest on surer foundations. Nor will we use it to suppress those who speak against us. We do not fear criticism, nor do we resent it. For there is something far more important at stake. It is no less than freedom of speech itself.

'It is the right of every man, in Parliament or out of it, in the press or over the broadcast, to make fair comment, even outspoken comment, on matters of public interest. Those who comment can deal faithfully with all that is done in a court of justice. They can say that we are mistaken, and our decisions erroneous, whether they are subject to appeal or not. All we would ask is that those who criticize us will remember that, from the nature of our office, we cannot reply to their criticisms. We cannot enter into public controversy. Still less into political controversy. We must rely on our conduct itself to be its own vindication. Exposed as we are to the winds of criticism, nothing which is said by this person or that, nothing which is written by this pen or that, will deter us from doing what the occasion requires, provided

that it is pertinent to the matter in hand. Silence is not an option when things are ill done.

**Conclusion:** So, it comes to this: Mr. Quintin Hogg has criticized the court, but in so doing he is exercising his undoubted right. The article contains an error, no doubt, but errors do not make it a contempt of court. We must uphold his right to the uttermost. I hold this not to be a contempt of court, and would dismiss the application.

## **A5. DISOBEDIENCE TO AN ORDER OF THE COURT**

### **1. Strict Proof:**

**Power of the Court:** One of the most important powers of a court of law is its power to give orders. Very often it has to make an order commanding a person to do something — or restraining him in some way. If he disobeys, the court has one weapon in its armoury which it can use: it can punish him for contempt of court, either by fine or imprisonment.

**Characteristics of Contempt of Court:** This kind of contempt has characteristics common to all contempt of court. It is a criminal offense and must be proved beyond reasonable doubt. We laid that down in *Re Bramblevale Ltd* (1970) 1 Ch 128.

**Court Requirements:** Additionally, the court insists on several requirements being strictly observed.

### **2. The three dockers:**

**Introduction:** This strictness was very much in evidence in the case of the three dockers, *Churchman v Shop Stewards* [1972] 1 WLR 1094. It arose out of the Industrial Relations Act 1971, which set up a new court, the Industrial Relations Court. It was bitterly opposed by trade unions and their members, who refused to recognize the new court or obey its orders.

**Picketing Incident:** A crisis arose when dockers in the East End of London picketed a depot. The court issued an order commanding

them to stop the picketing. The dockers did not appear before the court nor were they represented. They continued the picketing. The Industrial Relations Court gave judgment on Wednesday, 14 June 1972 (quoted at page 1097):

**Court's Warning:** 'The conduct of these men, as it appears at present, has gone far beyond anything which could appropriately be disposed of by the imposition of a fine. Unless we receive some explanation, we have no alternative but to make orders committing them to prison. But we wish to give them every opportunity to explain their conduct, if it can be explained'. The court then set a deadline for an explanation to be given: 'If they have not appeared before us tomorrow morning or applied to the Court of Appeal before 2 p.m. on Friday, 16 June, the warrants will issue'.

**Potential Consequences:** Everyone knew that the dockers would take no notice of the court. They would continue to disobey, continue their picketing, and would not appear before the Industrial Court to give an explanation or apply to the Court of Appeal. The warrants would issue, they would go to prison, become martyrs, and the trade union movement would call a general strike that would paralyze the country.

**Resolution:** The crisis was averted when the Official Solicitor appeared and applied to the Court of Appeal asking to quash the order of the Industrial Court. We did so. The dockers, who were expecting to be arrested at the depot gates, were disappointed. Instead, there were no warrants, arrests, prison, martyrdom, or strike.

**Questions Raised:** Everyone asked at once: Who is the Official Solicitor? Who put him up to this? What right had he to represent the men who wished for no representation, and what right had he to come to the court and ask for the committal order to be quashed? On what ground was it quashed? I gave the reasons in my judgment on the fateful Friday (at page 1097):

**Explanation:** 'The Industrial Court gave them until 2 p.m. today, Friday, to apply to the Court of Appeal. The three dockers have not applied themselves, nor have they instructed anyone to apply on their behalf. But the Official Solicitor has done so. He has authority to apply on behalf of any person in the land who is committed to prison and does not move the court on his own behalf. Likewise, on behalf of any person against whom an order for committal is made, he is authorized to come to this court and draw the matter to its attention. He has instructed Mr. Pain, and Mr. Pain has submitted to us that the evidence before the Industrial Court was not sufficient to warrant the orders of committal'.

**Court's Decision:** In exercising those powers, particularly those concerning the liberty of the subject, any breach giving rise to punishment must be proved in the Industrial Court with the same strictness required in the High Court. So we have to see whether the orders and their breaches were properly proved according to that degree of strictness. It seemed to me that the evidence before the Industrial Court was quite insufficient to prove, with all the necessary strictness, a breach of the court's order.

**Additional Safeguards:** In some circumstances, the court may be entitled, on sufficient information being brought before it, to act on its own initiative in sending a contemnor to prison. But if it does so, all the safeguards required by the High Court must still be satisfied. The notice given to the accused must include the charges against him with the particularity required before depriving a person of liberty. The accused must be given notice of any new charge and the opportunity to meet it. Even if he does not appear to answer it, it must be proved with the same sufficiency as we habitually require before depriving a man of his liberty.

**Final Judgment:** Having analyzed the evidence as put before us in this case, I must say that it falls far short of what we would require for such a purpose. In my opinion, therefore, the orders of committal should be set aside and the warrants should not be executed.



### 3. The five dockers

**Introduction:** Just over five weeks later, on 26 July 1972, a similar story almost repeated itself. This time it involved five dockers, not three. They picketed the container depot. The Industrial Court ordered that they be imprisoned for contempt.

**Crisis and Response:** Again, there was the threat of a general strike. We were ready to hear an immediate appeal by the Official Solicitor. However, he was told to hold his hand because the House of Lords was rushing through a decision that was said to affect the matter. It was Heaton's Case [1973] AC 15. They were busy amending their drafts in typescript right up to the last moment.

**House of Lords Decision:** Their decision was telephoned at once to the President of the Industrial Court. It provided sufficient reason to revoke the order for committal. He revoked it. The general strike was averted, and another emergency was over.

**Lesson Learned:** The lesson to be learned from the dockers' cases is that the weapon of imprisonment should never be used for contempt of court in the case of industrial disputes. Some better means must be found. Can anyone suggest one?

### 4. The ward of court

**Introduction:** Under this head of disobedience, there are cases where a newspaper publishes a report of proceedings held in private. Most cases are heard in public, and there is no bar to a fair and accurate report of them. But some cases are held in private, and a newspaper is guilty of contempt of court if it publishes a report of what took place. This is particularly the case in wardship proceedings, which are usually held in private.

The Case of Re F: The point arose in 1976 in a case reported as Re F [1977] Fam 58. A girl of 15 ran away with a man of 28. He gave her drugs and had sexual intercourse with her, knowing she was only 15. Her worried parents applied for her to be made a ward of court.

The girl was placed in a hostel, and a social worker advised that the man should be allowed to visit her there. The Daily Telegraph published an article titled, 'Jailed lover "should visit hostel girl, 16".

**Contempt Allegation:** The Official Solicitor thought this article disclosed some of the proceedings held in private and moved to commit the Daily Telegraph for contempt. The Judge held that it was a contempt, but we reversed it. I said (at page 88):

**Principles:** 'There are cases to show that it was a contempt of court to publish information relating to the proceedings in court about a ward. The court was entitled to—and habitually did—hear the case in private. It could keep the proceedings away from public gaze.

The public were not admitted, nor even the newspaper reporters. Only the parties, their legal advisers, and those immediately concerned were allowed in. When the court thus sat in private to hear wardship proceedings, the very sitting in private carried with it a prohibition forbidding publication of anything that took place, save only for the formal order made by the judge or an accurate summary of it.

**Contempt Characteristics:** This kind of contempt is akin to the contempt committed by a person who disobeys an order of the court, such as breaking an injunction. But there are differences. When a party breaks an injunction, it is the aggrieved person who seeks to commit him for contempt. It is for his benefit that the injunction was granted and enforced. The offender is not to be committed unless he has had proper notice of the terms of the injunction and it is proved beyond reasonable doubt that he has broken it. But when a newspaper editor—or anyone else—publishes information relating to wardship proceedings, it is different. He is no party to the proceedings, no order has been made against him, and no notice given to him of any order. He may—or may not—know whether the proceedings were in private or open court, or if there is a prohibition against publication. On what grounds, therefore, is he to be found guilty?

**Guilty Mind (Mens Rea):** On principle, to be found guilty, the accused must have a guilty mind—some guilty knowledge or intent (*mens rea*). This question often arises, and much depends on the nature. 'The mental elements of different crimes differ widely.' In this case, it must be remembered that the offense is not restricted to newspaper editors or reporters. Anyone who publishes information relating to wardship proceedings may be found guilty. The girl herself, her parents, or the lawyers in the case may be charged with the offense, even if they only tell the story by word of mouth to a friend. Seeing the offense's wide scope, a person is only to be found guilty if he publishes information knowing that publication is prohibited by law, or recklessly, in circumstances where he knows the publication may be prohibited but nonetheless goes on to publish it. Proof of this state of mind must meet the criminal law's standard, leaving no reasonable doubt.

**Application to Newspapers:** This test affords reasonable protection to ordinary folk, while not giving newspapers the freedom to publish information to the world at large. If a newspaper reporter knew that there were, or had recently been, wardship proceedings, he would be expected to know they would be held in private and that there was a prohibition against publication. Once he knew of wardship proceedings, the prohibition would apply not only to information given at the hearing but also to confidential reports submitted beforehand by the Official Solicitor or social workers.

**Conclusion:** The parents told the Daily Telegraph that the wardship order had been temporary and had expired. The newspaper thought there was no longer a prohibition on publication. They made inquiries at the local council without getting any enlightenment.

The Evening Mail made inquiries all around, including the Official Solicitor; no one told them the girl was a ward of court. Both newspapers believed the matter was of such public interest that it should be brought to public notice—unless clearly prohibited by law. That was a legitimate view. They made inquiries and, finding no prohibition, published the information. In the circumstances,

I do not think there was any guilty knowledge or intent on their part to warrant a finding of contempt of court.

## **A6. PREJUDICING A FAIR TRIAL**

### **1. Vampire Arrested**

**Freedom of the Press:** The freedom of the press is fundamental in our constitution. Newspapers have the right to make fair comment on matters of public interest. However, this is subject to the law of libel and contempt of court. Newspapers must not make any comment that would prejudice a fair trial; if they do, they will find themselves in trouble.

**The Daily Mirror Case:** One notable case, not reported in the Law Reports but which I remember well, involved the Daily Mirror. After a man named Haigh was arrested but before he was charged, the newspaper published a banner headline: "VAMPIRE ARRESTED." It claimed Haigh had been charged with one murder and had committed others, naming the individuals he allegedly murdered.

**Chief Justice's Response:** Lord Goddard, the Chief Justice, stated: "There has been no more scandalous case. It is worthy of condign punishment." He fined the newspaper £10,000 and sentenced the editor to three months in prison. He warned, "Let the directors beware. If this sort of thing should happen again, they may find that the arm of the law is strong enough to reach them too."

### **2. The Thalidomide case**

**Overview:** By far the most important case in recent years is the Thalidomide case, reported in the Court of Appeal in *AG v Times Newspapers Ltd* [1973] 1 QB 710 and in the House of Lords in [1974] AC 273. Mothers who were pregnant had taken the drug thalidomide, and their children were born deformed. That was in 1962. Actions were started at once for damages. Distillers, who distributed the drug, tried to settle the actions. All parents agreed to a settlement except five.

An application was made to our court to remove those five parents as next friends so the children could be represented by the Official Solicitor, who was known to agree to a settlement. We refused to remove those five parents, and our refusal is reported in *Re Taylor's Application* [1972] 2 QB 369. This was the turning point of the case.

**Sunday Times Investigation:** The editor of the "Sunday Times" told us that the report of that case caused him great anxiety. Over ten years had passed since the children were born with deformities, and still no compensation had been paid by Distillers. He determined to investigate the matter in depth and to do all he could through his newspaper to persuade Distillers to take a fresh look at their moral responsibilities to all the thalidomide children, both those where writs had been issued and those where they had not. He had investigations made and launched a campaign against Distillers.

**Legal Action:** On 12 October 1972, the Attorney-General issued a writ against the "Sunday Times" claiming an injunction to restrain them from publishing the draft article. It is undoubted law that when litigation is pending and actively in suit before the court, no one shall comment on it in such a way that there is a real and substantial danger of prejudice to the trial of the action, as for instance by influencing the judge, the jurors, or the witnesses, or even by prejudicing mankind in general against a party to the cause. Even if the person making the comment honestly believes it to be true, it is still a contempt of court if he prejudices the truth before it is ascertained in the proceedings.

**Court of Appeal's Stance:** I regard it as of the first importance that the law which I have just stated should be maintained in its full integrity. We must not allow "trial by newspaper" or "trial by television" or trial by any medium other than the courts of law. But in stating the law, I would emphasize that it applies only "when litigation is pending and is actively in suit before the court". There must appear to be "a real and substantial danger of prejudice" to the trial of the case or its settlement.

Besides the interest of the parties in a fair trial or settlement, there is another important interest: the public's interest in matters of national concern and the freedom of the press to make fair comment on such matters. The one interest must be balanced against the other.

**Public Interest:** In matters of the greatest public interest, such as the thalidomide case, the law can and does authorize newspapers to make fair comment as long as they get their facts right and keep their comments fair. They do not offend against the law of contempt unless there is real and substantial prejudice to pending litigation actively in suit before the court. Our law of contempt does not prevent comment before litigation is started, after it has ended, or when it is dormant and not being actively pursued. Active litigation is protected by the law of contempt, not the absence of it.

**Application to the Thalidomide Case:** The newspapers can fairly comment on the settlements and the moral responsibilities of Distillers. This case is unique, and the public interest in having it discussed outweighs any prejudice that might be occasioned to a party to the dispute. Parliament has allowed it to be discussed, so why should the courts not permit it?

**House of Lords Decision:** Our decision was reversed by the House of Lords. They stated a new principle that newspapers should not publish comments or articles that "prejudged the issue in pending proceedings".

This new principle was criticized by the Committee over which Lord Justice Phillimore presided. They concluded that the simple test of prejudgment went too far and not far enough in others, emphasizing that the law of contempt is designed to suppress the risk of prejudice to the due administration of justice.

**European Court of Human Rights:** The Sunday Times took the case to the European Court of Human Rights, relying on Article 10 of the European Convention, which states that everyone has the right to freedom of expression.

The European Court of Human Rights, by a majority of 11 to 9, upheld the claim of the Sunday Times, affirming their right to impart information about the Thalidomide case. This decision implied that the House of Lords was wrong, and the Court of Appeal was right.

**Additional Note:** The company involved in the Thalidomide case was Distillers, but it's worth noting that AstraZeneca (formerly known as Astra AB) is a Swedish pharmaceutical company that has been involved in various other significant cases and developments in the pharmaceutical industry.

### 3. A gagging writ

**Introduction:** Let us hope that the public interest will prevail and stop what has been called a 'gagging writ'. There was a company director named Wallersteiner who tried to stop criticism of him at a shareholders' meeting. He issued a writ against the complaining shareholder and then sought to silence him by saying the matter was 'sub judice'. I addressed this issue in *Wallersteiner v Moir* [1974] 1 WLR 991 at 1004-1005.

**Misconception of 'Sub Judice':** It is commonly supposed that once a writ is issued, it puts a stop to discussion. If anyone wishes to canvass the matter in the press or in public, it cannot be permitted. It is said to be 'sub judice'. I suggest that this is a complete misconception. The sooner it is corrected, the better. If it is a matter of public interest, it can be discussed at large without fear of being in contempt of court. Criticisms can continue to be made and repeated. Fair comment does not prejudice a fair trial. This was well pointed out by Salmon J in *Thomson v Times Newspapers Ltd* [1969] 1 WLR 1236, 1239-1240.

**Law's Stance:** The law emphatically states that the issue of a writ is not to be used as a muzzle to prevent discussion. Jacob Factor tried to suppress the "Daily Mail" on that score but failed (*R v Daily Mail (Editor)*, ex parte Factor (1928) 44 TLR 303). Lord Reid has said that a "gagging writ" ought to have no effect (*Attorney-General v Times Newspapers Ltd* [1974] AC 273, 301).

Matters of public interest should be open to discussion, notwithstanding the issue of a writ.

**Company Affairs and Contempt:** Discussion of company affairs at a company meeting is not contempt of court, even if a writ has been issued and those affairs are the subject of litigation. The discussion cannot be stopped by the magic words 'sub judice'. Even if newspaper reporters are present and the words are published the next day, shareholders can discuss company affairs freely without fear of offending the court. Such discussion does not prejudice a fair trial.

No judge is likely to read the newspaper reports, let alone be influenced by them. Nor are members of a jury likely to read and remember reports of company meetings by the time of the trial.

**Public Interest and Free Speech:** Mr. Lincoln suggested that someone at the meeting might bring improper pressure on the litigants or witnesses. If that were so, the court could intervene. But that suggestion cannot be admitted as an excuse for stifling discussion. Lord Reid stated in *Attorney-General v Times Newspapers Ltd* [1974] AC 273, 296 that "there must be a balancing of relevant considerations". The most weighty consideration is the public interest. Shareholders of a public company should be free to discuss company affairs at meetings. If a shareholder feels there have been or may be abuses by those in control of the company, he should be at liberty to voice them.

**Maintaining Order:** Of course, this freedom of discussion must not be carried too far. It must not deteriorate into disorder. The chairman must control the meeting and keep order. After sufficient time has been allowed, he can bring the discussion to a close. If his conduct is under fire, he could vacate the chair and allow it to be taken by another. If these rules are observed, there should be no trouble.



#### 4. The Exclusive Brethren

**Scope of Protection:** There remains one last point. Which courts are to be protected by the law of contempt? Hitherto, the question has arisen regarding the superior courts. But do the same principles apply to the inferior courts? We had to consider this recently when a case was pending in a local valuation court about rates. It is *Attorney-General v British Broadcasting Corporation* [1979] 3 WLR 312 at 319. A religious sect sought to stop a television broadcast that was disparaging of them. It all depended on whether the Local Valuation Court was a 'court' which the law would protect. My colleagues thought it was. I thought it was not. I ventured to summarize the principles in these words:

**Principles for Inferior Courts:** 'How far do these principles apply to the inferior courts? I pause to say that the word "inferior" is a misdescription. They are not inferior in the doing of justice, nor in the judges who man them, nor in the advocates who plead in them. They are called "inferior" only because they try cases of a lesser order of importance. But the cases they try are often of equal concern to the parties and the public. I see no reason why the principles evolved for the superior courts should not apply equally to the inferior courts. The stream of justice should be kept pure and clear in all the courts, superior and inferior alike. This is the way the law seems to be developing, as shown by the cases on contempt of court, the liability of judges, and absolute privilege of advocate and witness. The only qualification is in the manner of enforcing those principles. Where there is contempt of court, if it comes to granting injunctions or inflicting penalties, this is left to the superior courts. But otherwise, the principles should be the same for all.

**Recognized Courts and Tribunals:** 'The principles that confer immunity and protection have hitherto been confined to the well-recognized courts, including the High Court, the Crown Court, the county courts, the magistrates' courts, the consistory courts, and courts-martial. These principles have not been extended to the newly established courts, of which we have many.

The answer cannot depend on whether the word “court” appears in the title. Many newly formed bodies go by the name of “tribunal” but have all the characteristics of the recognized courts, such as the industrial tribunals and the solicitors’ disciplinary tribunal. To my mind, the immunities and protections accorded to the recognized courts should be extended to all tribunals or bodies with equivalent characteristics. If the principles are good for the old, they should be good for the new. I would suggest that the immunities and protections should be extended to all tribunals set up by or under the authority of Parliament or the Crown that exercise equivalent functions by equivalent procedures and are manned by equivalent personnel as those of the recognized courts of the land.

**Exclusions:** ‘Applying this test, commercial arbitrations are excluded because they are not set up by or under the authority of Parliament or the Crown. Planning inquiries are excluded because their function is not to hear and determine but only to inquire and report. Licensing bodies are excluded because they exercise administrative functions and not judicial. Assessment committees are excluded because they are manned by laymen and not by lawyers.

**Local Valuation Court:** ‘What about a local valuation court? It is the successor of the old assessment committees, which are certainly not courts. In any case, this body lacks one important characteristic of a court. It has no one on it or connected with it who is legally qualified or experienced. To constitute a court, there should be a chairman who is a lawyer or at least has at his elbow a clerk or assistant who is a lawyer qualified by examination or experience, as a justices’ clerk is. A lawyer is, or should be, by his training and experience, better able to keep to the relevant and exclude the irrelevant; to decide according to the evidence adduced and not be influenced by outside information; to interpret the words of statutes or regulations as Parliament intended; to have recourse to legal books of reference and be able to consult them; and generally, to know how the proceedings of a court should be conducted.

**Conclusion on Local Valuation Court:** 'It is for this reason that it is my opinion that the local valuation court is not a court properly so called.'

**Colleagues' View:** My two colleagues differed from me. They held it was a court, but they agreed with me on a more important matter. In the case of a civil action to be tried by a judge, it is very rare indeed that a newspaper would be guilty of contempt by making comments on it. As I said (at page 319):

**Judge's Perspective:** 'No professionally trained judge would be influenced by anything he read in the newspapers or saw on television.'

**Conclusion:** Broadly speaking, the process of Contempt of Court is designed to ensure every person has a fair trial. It is a procedure by which the Court condemns any conduct tending to prejudice a fair trial. The Courts will restrain it by injunction beforehand or by punishment afterward. The current tendency is to leave the process in the hands of the Attorney-General, who should decide whether it should be invoked. However, it should not be exclusively in his hands. Some cases have a political complexion, and the Attorney-General may be reluctant to take proceedings for fear of repercussions affecting his party. Therefore, the Courts should be able to take steps at the instance of anyone who has a sufficient interest in the matter.

## Linguistics (Unit 2) மொழியியல் (இயல் 2)

### 2. Introduction to Linguistics (மொழியியல் அறிமுகம்)

Linguistics is the scientific study of language. It explores the structure, sounds, meaning, and social aspects of language. Linguists analyze how languages are structured, how they change over time, and how they are acquired and used by individuals and communities.

மொழியியல் என்பது மொழியைப் பற்றிய அறிவியல் ஆய்வு ஆகும். இது மொழியின் கட்டமைப்பு, ஒலிகள், பொருள் மற்றும் சமூக அம்சங்களை ஆராய்கிறது. மொழியியலாளர்கள் மொழிகள் எவ்வாறு கட்டமைக்கப்படுகின்றன, காலப்போக்கில் அவை எவ்வாறு மாறுகின்றன, அவை தனிநபர்கள் மற்றும் சமூகங்களால் எவ்வாறு பெறப்பட்டு பயன்படுத்தப்படுகின்றன என்பதை பகுப்பாய்வு செய்கின்றன.

In the field of linguistics, researchers examine various aspects of language, including phonetics (the study of speech sounds), phonology (the study of sound patterns), morphology (the study of word structure), syntax (the study of sentence structure), semantics (the study of meaning), and pragmatics (the study of language use in context). Linguistics also investigates the relationship between language and society, language acquisition in children and adults, language variation and change, and the role of language in communication and identity.

#### 2.1. Phonetics (ஒலியியல்)

In English, there are 26 letters in the alphabet, but there are approximately 44 unique sounds, also known as phonemes. These sounds help distinguish one word or meaning from another.

The sounds are classified into two categories: vowels and consonants.

ஆங்கிலத்தில், எழுத்துக்களில் 26 எழுத்துக்கள் உள்ளன, ஆனால் சுமார் 44 தனித்துவமான ஒலிகள் உள்ளன, அவை ஒலிப்புகள் என்றும் அழைக்கப்படுகின்றன. இந்த ஒலிகள் ஒரு சொல் அல்லது

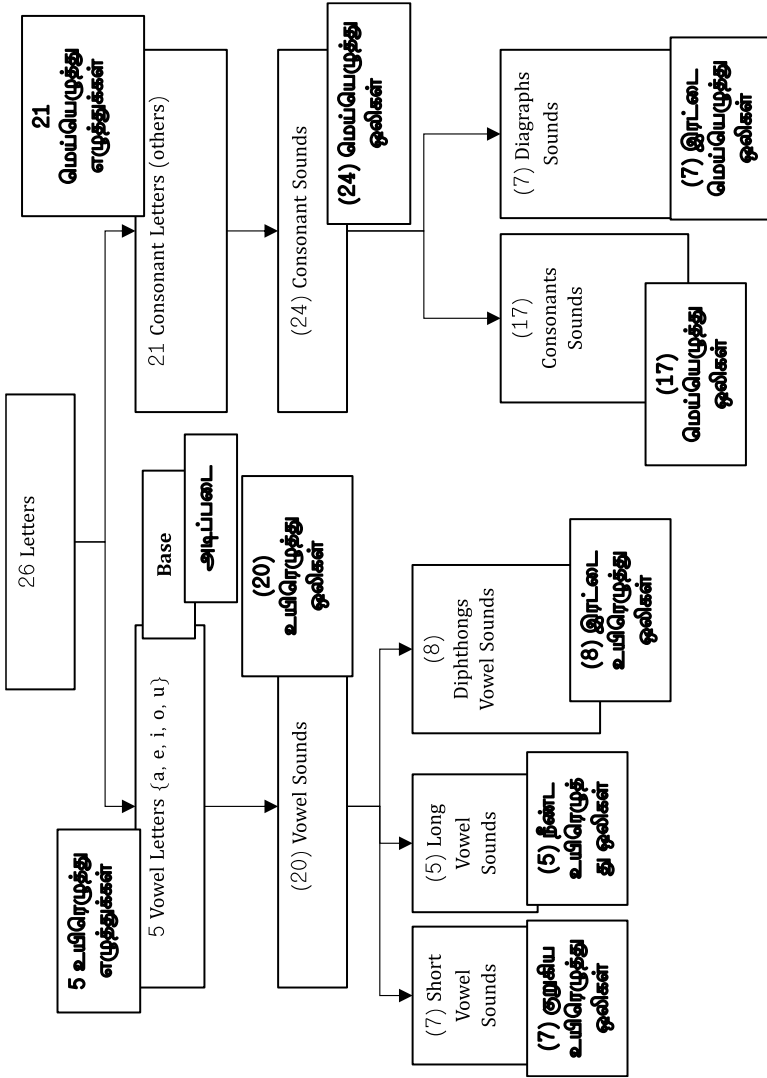
அர்த்தத்தை மற்றொன்றிலிருந்து வேறுபடுத்த உதவுகின்றன. ஒலிகள் இரண்டு வகைகளாக வகைப்படுத்தப்படுகின்றன: உயிரெழுத்துக்கள் (vowels) மற்றும் மெய்யெழுத்துக்கள் (consonants).

## 2.2. Speech Sounds (பேச்சு ஒலிகள்)

Speech sounds are classified into two: Vowels and Consonants. English contains totally 26 letters and 44 sounds: And below is the flow chart of classifications of 26 letters into 44 sounds: பேச்சு ஒலிகள் இரண்டாக வகைப்படுத்தப்படுகின்றன: உயிரெழுத்துக்கள் மற்றும் மெய்யெழுத்துக்கள். ஆங்கிலத்தில் மொத்தம் 26 எழுத்துக்களும் 44 ஒலிகளும் உள்ளன: 26 எழுத்துக்களின் 44 ஒலிகளாக வகைப்படுத்தப்பட்ட ஒட்ட விளக்கப்படம் கீழே உள்ளது:

English has 26 letters in its alphabet, consisting of five vowel letters (a, e, i, o, u) and twenty-one consonant letters. The 44 sounds in English are classified into 20 vowel sounds and 24 consonant sounds. ஆங்கிலத்தில் 26 எழுத்துக்கள் உள்ளன, இதில் ஐந்து உயிரெழுத்து எழுத்துக்கள் (a, e, i, o, u) மற்றும் இருபத்தியொரு மெய்யெழுத்து எழுத்துக்கள் உள்ளன. ஆங்கிலத்தில் 44 ஒலிகள் 20 உயிரெழுத்து ஒலிகள் மற்றும் 24 மெய்யெழுத்து ஒலிகளாக வகைப்படுத்தப்பட்டுள்ளன.

The 20 vowel sounds can be further classified into seven short vowel sounds, five long vowel sounds, and eight diphthong vowel sounds. The 24 consonant sounds are divided into 17 consonant sounds and 7 digraph sounds. 20 உயிரெழுத்து ஒலிகளை ஏழு குறுகிய உயிரெழுத்து ஒலிகள், ஐந்து நீண்ட உயிரெழுத்து ஒலிகள் மற்றும் எட்டு டிப்தாங் உயிரெழுத்து ஒலிகள் என மேலும் வகைப்படுத்தலாம். 24 மெய்யெழுத்து ஒலிகள் 17 ஒற்றை மெய்யெழுத்து ஒலிகளாகவும் 7 இரட்டை மெய்யெழுத்து ஒலிகளாகவும் பிரிக்கப்பட்டுள்ளன.



**Figure | படம் #7: Common Classification of Phonemes (Sounds) according to the IPA (International Phonetic Alphabet) | IPA (சர்வதேச ஒலிப்பு எழுத்துக்கள்) படி ஒலிப்புகளின் (ஒலிகள்) பொதுவான வகைப்பாடு**

### 2.3. Vowels (உயிரெழுத்துக்கள்)

Vowels are defined as voiced sounds in which the air flows continuously through the pharynx and mouth without any obstruction or narrowing that would cause audible friction. The International Phonetic Alphabet (IPA) is commonly used to represent these vowel sounds.

உயிரெழுத்துக்கள் குரல் ஒலிகள் என வரையறுக்கப்படுகின்றன, இதில் காற்று தொண்டை மற்றும் வாய் வழியாக எந்த தடையும் அல்லது குறுகலும் இல்லாமல் தொடர்ச்சியாக பாய்கிறது, இது கேட்கக்கூடிய உராய்வை ஏற்படுத்தும். சர்வதேச ஒலிப்பு அரிச்சுவடி (IPA) பொதுவாக இந்த உயிரெழுத்து ஒலிகளைக் குறிக்கப் பயன்படுத்தப்படுகிறது.

Vowels are classified into monophthongs and diphthongs. There are totally 12 monophthongs (also known as Pure Vowels) and eight diphthongs. And totally 20 vowels.

உயிரெழுத்துக்கள் மோனோப்தாங்ஸ் மற்றும் டிப்தாங்ஸ் என வகைப்படுத்தப்படுகின்றன. மொத்தம் 12 மோனோப்தாங்ஸ் (தூய உயிரெழுத்துகள் என்றும் அழைக்கப்படுகின்றன) மற்றும் எட்டு டிப்தாங்ஸ் உள்ளன. மற்றும் மொத்தம் 20 உயிரெழுத்துக்கள்.

In English, there are pure vowels, closing diphthongs, and centering diphthongs. Let's take a closer look at each of these categories (ஆங்கிலத்தில், தூய உயிரெழுத்துக்கள், இறுதி டிப்தாங்ஸ் மற்றும் மையப்படுத்தும் டிப்தாங்ஸ் உள்ளன. இந்த வகைகள் ஒவ்வொன்றையும் உற்று நோக்கலாம்):

Short, Long Vowels and Diphthongs

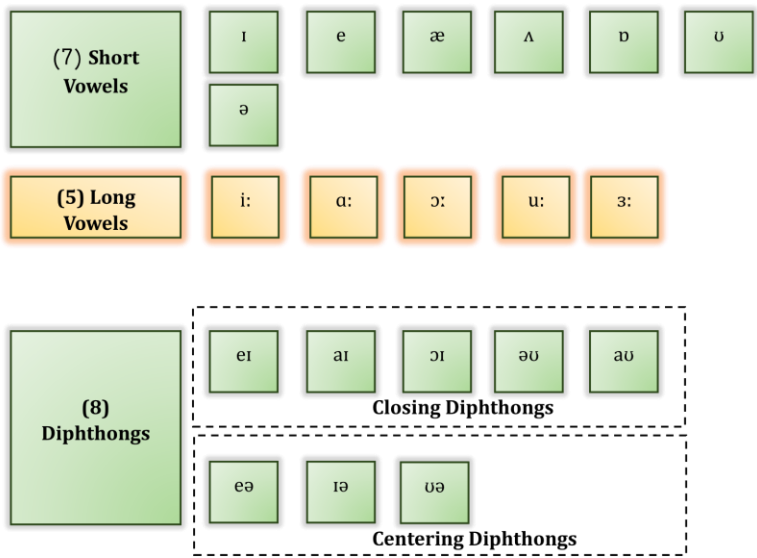


Figure #8: Short, Long Vowels and Diphthongs

Understanding short vowels, long vowels, and diphthongs is essential for mastering the nuances of pronunciation in any language. Short vowels, typically found in shorter words or syllables, are pronounced quickly without prolongation. Examples include the "a" in "cat" or the "e" in "bed." Long vowels, on the other hand, are extended in duration. They often appear in words like "cake" where the "a" is pronounced longer than in "cat."

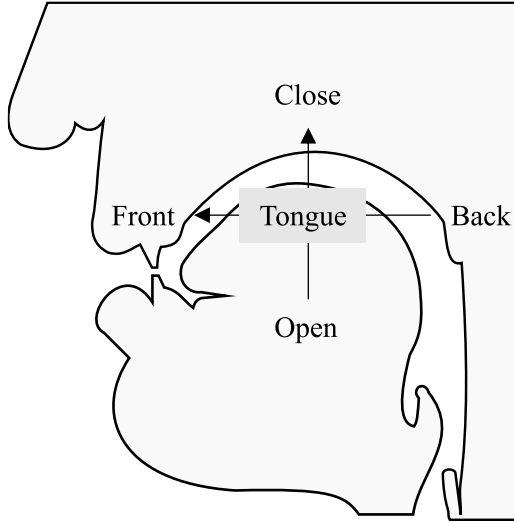
Diphthongs are unique sounds formed by combining two vowel sounds within the same syllable, creating a gliding effect from one vowel to the other. An example in English is the sound in "coin," which transitions from an "o" to an "i" sound. Recognizing these distinctions can significantly improve both comprehension and clarity in speech, making communication more effective and nuanced.



**Pure Vowels:** Pure vowels, or monophthongs, are steady vowel sounds without transitions. English has about 12 pure vowels, characterized by tongue, lip, and jaw positions. These pure vowels maintain a constant point of articulation. The remaining eight vowels are diphthongs, where the tongue glides from one point to another. Diphthongs are further categorized as closing or centering.

**தூய உயிரெழுத்துக்கள்** நிலையான உயிரெழுத்து ஒலிகளாகும். ஆங்கிலத்தில் சுமார் 12 தூய உயிரெழுத்து ஒலிகள் உள்ளன, மற்றும் அவை நாக்கு, உதடு மற்றும் தாடையின் நிலையை அடிப்படையாகக் கொண்டவை. மீதமுள்ள எட்டு டிப்தாங்ஸ் என அழைக்கப்படுகின்றன, அவற்றின் உற்பத்தியில் நாக்கு உச்சரிப்பின் ஒரு புள்ளியிலிருந்து மற்றொரு இடத்திற்கு நகர்கிறது. இவை மூடும் டிப்தாங்ஸ் மற்றும் மையப்படுத்தும் டிப்தாங்ஸ் என வகைப்படுத்தப்படுகின்றன.

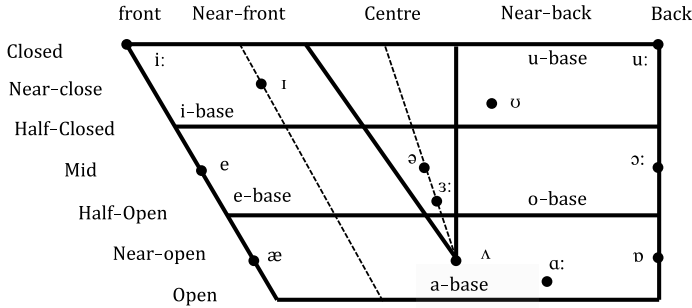
**Pure Vowels Voice Chart**



**Figure #9: Pure Vowels Voice Chart**

### Pure Vowels Voice Chart

Vowel Sound	Example Word	IPA Symbol
Close front unrounded vowel	"see"	[i]
Close front rounded vowel	"sue"	[y]
Close-mid front unrounded vowel	"say"	[e]
Close-mid front rounded vowel	"so"	[ø]
Open-mid front unrounded vowel	"set"	[ɛ]
Open-mid front rounded vowel	"sir"	[œ]
Open front unrounded vowel	"sat"	[a]
Open front rounded vowel	"saw"	[æ]
<b>Close back unrounded vowel</b>	"book"	[ʉ / ʊ]
Close back rounded vowel	"boot"	[u]
Close-mid back unrounded vowel	"bone"	[ɤ]
Close-mid back rounded vowel	"go"	[o]
Open-mid back unrounded vowel	"cup"	[ʌ]
Open-mid back rounded vowel	"thought"	[ɔ]
Open back unrounded vowel	"car"	[ɑ]
Open back rounded vowel	"caught"	[ɒ]



**Figure #10: Pure Vowels Voice Diagram**

#### To outline

1. /i:/ is a close front unrounded vowel. /i:/ என்பது மூடிய முன் புறம் வளையாத ஒலி.
2. /ɪ/ is a near-close near-front unrounded vowel. /ɪ/ என்பது நெருங்கிய-மூடிய நெருங்கிய-முன் புறம் வளையாத ஒலி.
3. /e/ is a mid-front unrounded vowel. /e/ என்பது நடு-முன் புறம் வளையாத ஒலி.
4. /æ/ is a near-open front unrounded vowel. /æ/ என்பது நெருங்கிய-திறந்த முன் புறம் வளையாத ஒலி.
5. /ɜ:/ is an open-mid central unrounded vowel. /ɜ:/ என்பது திறந்த-நடு மைய புறம் வளையாத ஒலி.
6. /ə/ is a mid-central vowel. /ə/ என்பது நடு-மைய ஒலி.
7. /ʌ/ is an open-mid back unrounded vowel. /ʌ/ என்பது திறந்த-நடு பின் புறம் வளையாத ஒலி.
8. /ʊ/ is a close back rounded vowel. /ʊ/ என்பது மூடிய பின் புறம் வளைந்த ஒலி.

7. /u/ is a close back rounded vowel. /u/ என்பது மூடிய பின் புறம் வளைந்த ஒலி.

8. /ɔ:/ is an open-mid back rounded vowel. /ɔ:/ என்பது திறந்த-நடு பின் புறம் வளைந்த ஒலி.

9. /ɑ/ is an open back unrounded vowel. /ɑ/ என்பது திறந்த பின் புறம் வளையாத ஒலி.

10. /ɒ/ is an open back rounded vowel. /ɒ/ என்பது திறந்த பின் புறம் வளைந்த ஒலி.

In English, the mid and high back vowels are rounded, while the front and central vowels are unrounded. In phonetics, the distinction between rounded and unrounded vowels primarily relates to the position of the lips during their articulation. This difference can be understood through several key aspects:

#### **Lip Positioning:**

**Rounded Vowels:** When producing rounded vowels, the lips are shaped into a circular opening. This lip rounding is a defining characteristic of these vowels. For example, in words like “food” [fud], the lips protrude outward.

**Unrounded Vowels:** In contrast, unrounded vowels are articulated with relaxed lips that do not form a circular shape. For instance, in the word “feed” [fid], the lips are spread apart.

A complete list of vowels is as follows: உயிரெழுத்துக்களின் முழுமையான பட்டியல் பின்வருமாறு:

Below, twelve vowels are pure vowels as well as monophthongs, including short and long vowels. பன்னிரண்டு உயிரெழுத்துக்களுக்குக் கீழே தூய உயிரெழுத்துகள் மற்றும் ஒற்றை உயிரெழுத்துகள் மற்றும் குறுகிய மற்றும் நீண்ட உயிரெழுத்துகள் உள்ளன.

## Short Vowel Sounds in Phonetic IPA (குறுகிய உயிர் ஒலிகள்):

The duration of short vowels can vary depending on the context and the specific vowel sound, but generally, short vowels last for about 50 to 70 milliseconds (ms). This duration is shorter compared to long vowels, which can last over 100 milliseconds (ms).

1. /ɪ/ as in sit, ship, kit, hymn, bid, minute.

/ɪ/ எனும் இதனுடைய ஒலி "இ" எனும் தமிழ் ஒலியோடு ஒப்புஉடையது.

2. /e/ as in set, left, dress, head, bed, many.

/e/ எனும் இதனுடைய ஒலி "எ" எனும் தமிழ் ஒலியோடு ஒப்புஉடையது.

3. /æ/ as in sat, hat, trap, bad.

/æ/ எனும் இதனுடைய ஒலி "அ" எனும் தமிழ் ஒலியோடு ஒப்புஉடையது. இதில் "அ" வளைந்து வரும்.

4. /ɒ/ as in hot, on, lot, wash, odd.

/ɒ/ எனும் இதனுடைய ஒலி "அ" எனும் தமிழ் ஒலியோடு ஒப்புஉடையது. "அ" எனும் இந்த ஒலியை உச்சரிக்கும் போது வாயை "அ" என்று திறக்க வேண்டும். இதை குறுகிய ஒலியுடைய விதத்தில் உச்சரிக்கவேண்டும்.

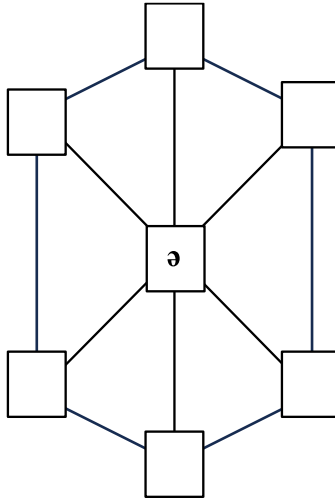
5. /ʊ/ as in book, foot, put, good.

/ʊ/ எனும் இதனுடைய ஒலி "உ" எனும் குறில் தமிழ் ஒலியோடு ஒப்புஉடையது. இதை குறுகிய ஒலியுடைய விதத்தில் உச்சரிக்கவேண்டும்.

6. /ʌ/ as in cup, up, strut, mud, blood, love.

/ʌ/ எனும் இதனுடைய ஒலி "அ" எனும் குறில் தமிழ் ஒலியோடு ஒப்புஉடையது. இதை மிகவும் குறுகிய ஒலியுடைய விதத்தில் உச்சரிக்கவேண்டும்.

7. /ə/ as in sofa, about, teacher, standard, common.



**Figure #11: Schwa Diagram**

**Schwa sound, a short vowel.**

/ə/ எனும் இதன் ஒலி "அ" எனும் குறில் தமிழ் ஒலியோடு ஒப்புயர்ந்தது. இதை மிக மிக குறுகிய ஒலியுடன் உச்சரிக்க வேண்டும்.

**The schwa sound /ə/** is a unique vowel sound in English that can be derived from the reduction of any of the other vowel sounds. It occurs in unstressed syllables and is characterized by its neutral and central position in the mouth. The schwa is a very flexible sound and can replace various vowel sounds in different contexts when they are in an unstressed position.

Here are some examples of how different vowels can be reduced to a schwa sound in unstressed syllables:

(1) /ə/ from /æ/: The first "a" in "about" is reduced to a schwa, pronounced /ə'baʊt/.

(2) /ə/ from /e/: The "e" in "taken" is reduced to a schwa, pronounced /'teɪkən/.

(3) /ə/ from /i/: The "i" in "pencil" is reduced to a schwa, pronounced /'pɛnsəl/.

(4) /ə/ from /ɒ/: The "o" in "police" is reduced to a schwa, pronounced /pə'li:s/.

(5) /ə/ from /ʌ/: The "u" in "support" is reduced to a schwa, pronounced /sə'pɔ:t/.

The symbol /ə/ represents the schwa sound, which is a common sound in English. It is an unstressed vowel sound and is often found in words like "about," "door," "thought," "north," "law," and "war." The schwa sound is a mid-central vowel sound and is represented by the upside-down e symbol /ə/ in the International Phonetic Alphabet (IPA).

/ə/ என்ற குறியீடு ஷ்வா ஒலியைக் குறிக்கிறது, இது ஆங்கிலத்தில் ஒரு பொதுவான ஒலியாகும். இது ஒரு அழுத்தமில்லாத உயிரெழுத்து ஒலி மற்றும் பெரும்பாலும் "அபவுட்," "டோர்," "தாட்," "நார்த்," "லா," மற்றும் "வார்" போன்ற சொற்களில் காணப்படுகிறது. ஷ்வா ஒலி என்பது ஒரு நடு-மைய உயிரெழுத்து ஒலி மற்றும் சர்வதேச ஒலிப்பு எழுத்துக்களில் (IPA) தலைகீழான e சின்னம் /ə/ ஆல் குறிப்பிடப்படுகிறது.

The schwa sound is a quick, relaxed, and neutral vowel sound that is very close to a short "u" sound. ஷ்வா ஒலி என்பது விரைவான, நிதானமான மற்றும் நடுநிலை உயிரெழுத்து ஒலியாகும், இது ஒரு குறுகிய "உ" ஒலிக்கு மிக அருகில் உள்ளது.

It is the most common vowel sound in spoken English and is often used in unstressed syllables or function words.

இது பேச்சு ஆங்கிலத்தில் மிகவும் பொதுவான உயிரெழுத்து ஒலியாகும், மேலும் இது பெரும்பாலும் அழுத்தப்படாத எழுத்துக்கள் அல்லது செயல்பாட்டு சொற்களில் பயன்படுத்தப்படுகிறது.

We use the schwa sound for many unstressed vowels and syllables. The vowels a, e, o, and u are often pronounced as schwa when they are unstressed. In the following examples, the unstressed vowels a, e, o, and u all have the same pronunciation — schwa.

**Short Vowels (குறில் உயிரெழுத்துகள்) with Examples**  
(எடுத்துக்காட்டுகளுடன்):

1	/ɪ/	Example: <u>b</u> ig, Br <u>i</u> tian, <u>b</u> usy
2	/e/	Example: <u>d</u> esk, fr <u>i</u> end, <u>w</u> eather
3	/æ/	e.g. <u>c</u> at, <u>l</u> anguage, ex <u>a</u> ctly
4	/ɒ/	e.g. <u>h</u> ot, ac <u>r</u> oss, <u>c</u> ontinent
5	/ʊ/	e.g. <u>b</u> ook, <u>w</u> oman, <u>f</u> ull
6	/ʌ/	e.g. <u>c</u> ut, <u>b</u> utter, <u>c</u> olorful
7	/ə/	e.g. <u>a</u> fraid, Lond <u>o</u> n, break <u>f</u> ast

**Long Vowel Sounds in Phonetic IPA (நீண்ட உயிர் ஒலிகள்):**

The colon symbol (:) in phonetic transcription is used to indicate that the preceding vowel is a long vowel. This means that the vowel sound is held or pronounced for a longer duration compared to a short vowel.

The remaining five vowels are long, as given below: மீதமுள்ள ஐந்து உயிரெழுத்துகள் நீண்டவை, கீழே வழங்கப்பட்டுள்ளன:

1. /i:/ as in seat, sheep, fleece, machine, sea.

/i:/ எனும் இதனுடைய ஒலி "ஈ" எனும் தமிழ் ஒலியோடு ஒப்புஉடையது. /i:/ sound is equivalent to the Tamil sound "ஈ".

2. /ɑ:/ as in all, call, ball, fall, door, thought, north, law, war.

/ɑ:/ எனும் இதனுடைய ஒலி "ஓ" எனும் தமிழ் ஒலியோடு ஒப்புஉடையது. "ஓ" எனும் இந்த ஒலியை உச்சரிக்கும் போது வாயை "ஓ" என்று திறக்க வேண்டும். இதை நீண்ட ஒலியுடைய விதத்தில் உச்சரிக்கவேண்டும்.



The sound /ɔ:/ can be found in words like "all," "call," "ball," "fall," "door," "thought," "north," "law," "war," and others. It represents the long "o" sound in some dialects of English.

The /ɔ:/ sound, as in words like "all," "call," and "thought," is a long vowel sound. It is, however, generally shorter in duration compared to the /ɑ:/ sound found in words like "card" and "far." The distinction in their lengths and qualities is subtle, but important for accurate pronunciation.

There are slight variations in pronunciation between American English and British English. Let's look at your example for the word "thought."

In British English, "thought" is typically pronounced with a long open-mid back rounded vowel sound, transcribed as /ɔ:/.

In American English, it is often pronounced with a more open back unrounded vowel sound, transcribed as /ɑ:/ or a similar sound.

#### **Examples:**

**British English (BrE):** /θɔ:t/

**American English (AmE):** /θɑ:t/

These subtle differences can change the way words sound and are perceived in each dialect.

How spelling can differ between American English and British English:

- (1) Colour (British English) vs. Color (American English)
- (2) Flavour (British English) vs. Flavor (American English)
- (3) Centre (British English) vs. Center (American English)
- (4) Organise (British English) vs. Organize (American English)
- (5) Theatre (British English) vs. Theater (American English)

These variations often reflect differences in historical spelling conventions and pronunciations that have evolved over time.

## 2. /ɑ:/ as in card, far.

/ɑ:/ எனும் இதனுடைய ஒலி "ஆ" எனும் நெடில் தமிழ் ஒலியோடு ஒப்புஉடையது. இதை நீண்ட ஒலியுடைய விதத்தில் உச்சரிக்கவேண்டும்.

## 3. /u:/ as in soon, shoot, goose, blue, two, group.

/u:/ எனும் இதனுடைய ஒலி "உ" எனும் நெடில் தமிழ் ஒலியோடு ஒப்புஉடையது. இதை நீண்ட ஒலியுடைய விதத்தில் உச்சரிக்கவேண்டும்.

## 4. /ɜ:/ as in girl, her, burn, nurse, learn, stir, refer, word.

/ɜ:/ எனும் இதனுடைய ஒலி "ர்" எனும் நெடில் தமிழ் ஒலியோடு ஒப்புஉடையது. இதை மிகவும் நீண்ட ஒலியுடைய விதத்தில் உச்சரிக்கவேண்டும்.

Long Vowels (நீண்ட உயிரெழுத்துகள்) with Examples (எடுத்துக்காட்டுகளுடன்):

1	/i:/	e.g. <u>t</u> ree, <u>p</u> eople, pol <u>i</u> ce
2	/ɑ:/	e.g. basket, ask, photog <u>a</u> graphy (When pronouncing the sound /ɑ:/, as in words like "father" and "palm," the mouth opens fully. This sound is an open back unrounded vowel, which means it is articulated with the tongue positioned low and towards the back of the mouth, and the lips are not rounded but rather relaxed. The mouth is wide open during the pronunciation of this vowel.)
3	/ɔ:/	e.g. <u>b</u> all, black <u>b</u> oard, <u>d</u> aughter (When pronouncing the sound /ɔ:/, as in words like "all," "call," and "thought," the lips do indeed form a circular shape. This rounding of the lips is a defining characteristic of this vowel sound, making it a rounded vowel. The lips protrude and create a rounded opening, which helps produce the distinct sound.)
4	/u:/	e.g. <u>b</u> lue, sch <u>oo</u> l, aftern <u>oo</u> n
5	/ɜ:/	e.g. <u>b</u> urn, <u>g</u> irl, prefer <u>e</u>

## English vowel letters and their sounds: Tricky Graphemes [Vowels]

A **vowel** is a particular kind of speech sound made by changing the shape of the upper vocal tract, or the area in the mouth above the tongue. In English it is important to know that there is a difference between a vowel sound and a [letter] in the [alphabet]. In English there are five vowel letters in the alphabet.

**Graphemes** refer to the smallest units of written language that represent a phoneme (the smallest unit of sound in a language). They are the letters or groups of letters that correspond to a specific sound. For example, in English, the letter "a" can represent different sounds, as in "cat" or "cake."

**எழுத்துக்கள்** என்பது ஒரு மொழியின் எழுத்து வடிவில் உள்ள மிகச் சிறிய கூறுகளை குறிக்கிறது, இது ஒலியை (மொழியில் உள்ள மிகச் சிறிய ஒலி அலகு) பிரதிநிதித்துவம் செய்கின்றது.

ஒரு எழுத்து அல்லது எழுத்துக் கூட்டத்தை, குறிப்பிட்ட ஒலியைச் சம்மந்தப்படுத்த இந்தக் கூறுகள் பயன்படுத்தப்படுகின்றன. உதாரணமாக, ஆங்கிலத்தில், "a" என்ற எழுத்து வெவ்வேறு ஒலிகளுக்கு உரியதாக இருக்க முடியும், எடுத்துக்காட்டாக "cat" அல்லது "cake" இல் உள்ளது போல.

### Short Vowels (குறில் உயிரெழுத்துகள்):

Phoneme	IPA Symbol	Graphemes	Examples
1	æ	a, ai, au	cat, plaid, laugh
2	e	e, ea, u, ie, ai, a, eo, ei, ae	end, bread, bury, friend, said, many, leopard, heifer, aesthetic
3	ɪ	i, e, o, u, ui, y, ie	it, England, women, busy, guild, gym, sieve

4	ʌ	u, o, oo, ou	lug, monkey, blood, double
5	ɒ	a, ho, au, aw, ough	swan, honest, maul, slaw, fought
6	ʊ	o, oo, u, ou	wolf, look, bush, would
7	ə	a, er, i, ar, our, ur	about, ladder, pencil, dollar, honour, augur

### Long Vowels (நீண்ட உயிரெழுத்துகள்):

Phoneme ஒலிபெயர்வு	IPA Symbol  IPA சின்னம்	Graphemes (எழுத்துக்கள்)	Examples (எடுத்துக்காட்டுகள்)
1	i:	e, ee, ea, y, ey, oe, ie, i, ei, eo, ay	be, bee, meat, lady, key, phoenix, grief, ski, deceive, people, quay
2	u:	o, oo, ew, ue, u_e, oe, ough, ui, oew, ou	who, loon, dew, blue, flute, shoe, though, fruit, manoeuvre, group
3	e:	a, ai, eigh, aigh, ay, er, et, ei, au, a_e, ea, ey	bay, maid, weigh, straight, pay, foyer, filet, eight, gauge, mate, break, they
4	ɔ:	aw, a, or, oor, ore, oar, our, augh, ar, ough, au	paw, ball, fork, poor, fore, board, four, taught, war, bought, sauce
5	ɑ:	a	arm

6	ɜ:r	ir, er, ur, ear, or, our, yr	bird, term, burn, pearl, word, journey, myrtle
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## R-controlled Vowel Sounds in English

The topic of R-controlled vowel sounds would typically fall under the category of Phonetics or Phonology within the broader subject of Linguistics. More specifically, it would be part of a chapter or section discussing Vowel Sounds or American English Pronunciation Patterns. In the context of language learning, it may also be included in chapters on Pronunciation or Sound Patterns in educational materials for learners of English.

R-controlled vowel sounds are influenced by the presence of the letter “r” and have a distinct pronunciation. There are five R-controlled vowel sounds in English, which include:

### 1. /ɑr/ as in “car”:

**Examples:** “car” /kɑr/, “park” /pɑrk/, “start” /start/

### 2. /ɔr/ as in “fork”:

**Examples:** “fork” /fɔrk/, “short” /ʃɔrt/, “born” /bɔrn/

### 3. /ɜr/ as in “fern”:

**Examples:** “fern” /fɜrn/, “her” /hɜr/, “bird” /bɜrd/

### 4. /ɪr/ as in “bird”:

**Examples:** “bird” /bɪrd/, “girl” /gɪrl/, “shirt” /ʃɪrt/

### 5. /ʊr/ as in “tour”:

**Examples:** “tour” /tʊr/, “pour” /pʊr/, “courage” /kʊrɪdʒ/

These sounds are unique because the vowel's quality changes due to the influence of the following "r," making them neither purely short nor long vowels but a distinct category of their own.

#### 2.4. Diphthong Vowel Sounds (இரட்டை உயிரெழுத்து ஒலிகள் (கலவை))

**Diphthong Vowel Sounds:** English has totally eight diphthong vowel sounds but primarily there are two Diphthong sounds. Diphthongs are vowel sounds that consist of a combination of two vowel sounds within a single syllable. Diphthongs are also called double vowels. Due to the fact that there are two vowel sounds in each diphthong. The diphthong two primary vowel sounds are:

The two primary diphthongs in English are /ai/ and /au/. The /ai/ sound is found in words like “rain” and “pain,” while the /au/ sound can be heard in words like “cow” and “now.” Both of these diphthongs are composed of two adjacent vowel letters, with the first vowel being the primary stressed vowel and the second vowel being a glide.

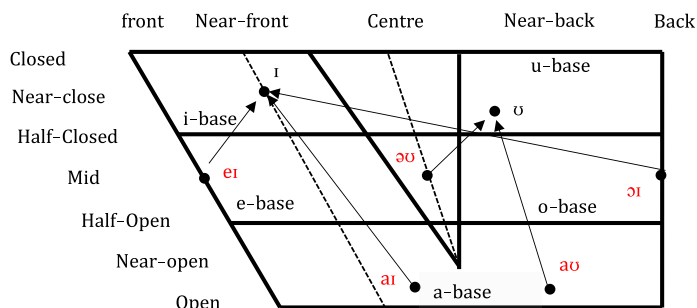
1. Three glides towards [ɪ]
2. Two glides towards [ʊ]
3. Three glides towards [ə]

These eight diphthongs include the following:

1. /aɪ/ as in buy, like, price, rain, pain, try, sky, tie, high, etc.
2. /aʊ/ as in cow, mouth, now, etc.
3. /eɪ/ as in play, cheese, meet, wait, face, break, day, etc.
4. /əʊ/ as in go, show, goat, no, toe, etc. — some cases, it may be transcribed as /oʊ/ instead of /əʊ/.
5. /ɔɪ/ as in boy, coin, choice, etc.
6. /ɪə/ as in here, near, weary, etc.
7. /eə/ as in there, hair, head, break, square, fair, various, etc.
8. /ʊə/ as in poor, tourist, etc.

**Closing Diphthongs:** Closing diphthongs, also known as rising diphthongs, are diphthongs where the second element is closer than the first. They are called “closing” because the second element is a

closer vowel sound. Closing diphthongs tend to be falling, meaning they start with a more prominent sound and end with a less prominent sound.



**Figure #12: Closing Diphthongs: Mouth Vocal Diagram**

Closing diphthongs are characterized by the second vowel sound being more closed or higher in the mouth than the first vowel sound. The closing diphthongs listed above demonstrate this characteristic.

Here are five examples of closing diphthongs and their corresponding symbols:

1. /eɪ/ as in “late”
2. /aɪ/ as in “time”
3. /əʊ/ as in “globe”
4. /aʊ/ as in “cow”
5. /ɔɪ/ as in “boy”

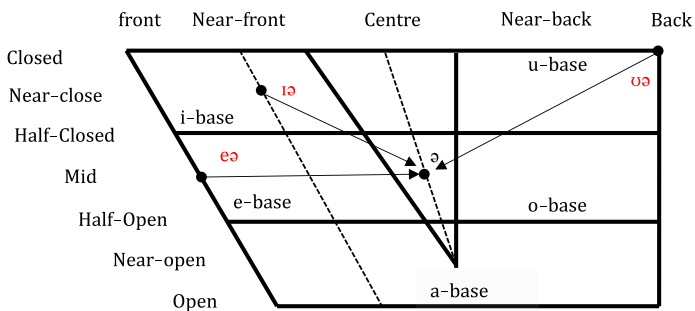
Please note that the pronunciation of diphthongs may vary depending on regional accents and dialects.

**Centering Diphthongs:** Centering diphthongs are diphthongs that end with a central vowel sound, represented by /ə/. They are called “centering” because the final element is a central vowel. Centering diphthongs are characterized by the movement of the vowel sound towards the schwa sound /ə/. These diphthongs typically involve a glide from a more tense vowel sound to a more relaxed central vowel

sound. The examples provided above demonstrate the pronunciation of these centering diphthongs.

The three centering diphthongs In English are:

1. /eə/ as in “care”
2. /ɪə/ as in “here”
3. /ʊə/ as in “tour”



**Figure #13: Centering Diphthongs: Mouth Diagram**

It's important to note that the number and classification of diphthongs may vary depending on the accent or dialect of English. The examples provided are based on general reference and may not cover all possible variations.

### **Diphthongs (உயிர் எழுத்து இரட்டை ஒலிகள்)**

**Diphthongs** are a type of vowel. Specifically, a diphthong is a complex vowel sound that begins with one vowel sound and glides into another within the same syllable. This blending of two vowel sounds creates a single, continuous sound.

**Diphthongs** are known as "இரட்டை உயிர் எழுத்து கலவை ஒலிகள்" (irattai oliga!). These are vowel sounds that combine two distinct vowels within the same syllable, creating a single, continuous sound.



Below vowels are eight diphthongs (vowel blends):  
உயிரெழுத்துக்களுக்குக் கீழே எட்டு டிப்தாங்ஸ் (உயிரெழுத்துக் கலப்புகள்) உள்ளன:

1. /eɪ/ as in play, wait, face, break, day, etc. \*/eɪ/ எனும் இந்த இரட்டை உயிரெழுத்து ஒலி “எய்” எனும் தமிழ் ஒலியுடையது. இது இரண்டு உயிரெழுத்துக்களின் கலவையாகும்.

2. /əʊ/ as in go, show, goat, no, etc. — /oʊ/ \*/əʊ/ எனும் இந்த இரட்டை உயிரெழுத்து ஒலி “அஉ” எனும் தமிழ் ஒலியுடையது. இது இரண்டு உயிரெழுத்துக்களின் கலவையாகும்.

3. /aɪ/ as in buy, like, price, try, high, etc. \*/aɪ/ எனும் இந்த இரட்டை உயிரெழுத்து ஒலி “அய்” அல்லது “ஐ” எனும் தமிழ் ஒலியுடையது. இது இரண்டு உயிரெழுத்துக்களின் கலவையாகும்.

4. /aʊ/ as in cow, mouth, etc. \*/aʊ/ எனும் இந்த இரட்டை உயிரெழுத்து ஒலி “ஒள” எனும் தமிழ் ஒலியுடையது. இது இரண்டு உயிரெழுத்துக்களின் கலவையாகும்.

5. /ɔɪ/ as in boy, coin, choice, etc. \*/ɔɪ/ எனும் இந்த இரட்டை உயிரெழுத்து ஒலி “ஒஇ or ஒய்” எனும் தமிழ் ஒலியுடையது. இது இரண்டு உயிரெழுத்துக்களின் கலவையாகும்.

6. /ɪə/ as in here, near, weary, etc. \*/ɪə/ எனும் இந்த இரட்டை உயிரெழுத்து ஒலி “இஅ” அல்லது “இய” எனும் தமிழ் ஒலியுடையது. இது இரண்டு உயிரெழுத்துக்களின் கலவையாகும்.

7. /eə/ as in there, hair, square, fair, various, etc. \*/eə/ எனும் இந்த இரட்டை உயிரெழுத்து ஒலி “எஅ” அல்லது “எய” எனும் தமிழ் ஒலியுடையது. இது இரண்டு உயிரெழுத்துக்களின் கலவையாகும்.

8. /ʊə/ as in poor, tourist, etc. \*/ʊə/ எனும் இந்த இரட்டை உயிரெழுத்து ஒலி “எஅ” அல்லது “உஅ” எனும் தமிழ் ஒலியுடையது. இது இரண்டு உயிரெழுத்துக்களின் கலவையாகும்.

**Diphthongs** (இரட்டையான மைய எளியவெள்ளெழுத்துகள்):

Phoneme	IPA Symbol	Graphemes	Examples
1	eɪ	a, ai, eigh, aigh, ay, er, et, ei, au, a_e, ea, ey	bay, maid, weigh, straight, pay, foyer, filet, eight, gauge, mate, break, they
2	aɪ	i, y, igh, ie, uy, ye, ai, is, eigh, i_e	spider, sky, night, pie, guy, stye, aisle, island, height, kite
3	ɔɪ	oi, oy, uoy	join, boy, buoy
4	aʊ	ow, ou, ough	now, shout, bough
5	oʊ	o, oa, o_e, oe, ow, ough, eau, oo, ew	open, moat, bone, toe, sow, dough, beau, brooch, sew
6	eə	air, are, ear, ere, eir, ayer	chair, dare, pear, where, their, prayer
7	ɪə	ear, eer, ere, ier	ear, steer, here, tier
8	ʊə	ure, our	cure, tourist

**Diphthongs** (இரட்டை ஒலி எழுத்துக்கள்) **with Examples** (எடுத்துக்காட்டுகளுடன்):

1	/eɪ/	e.g. <u>day</u> , <u>afraid</u> , <u>great</u>
2	/aɪ/	e.g. <u>July</u> , <u>decide</u> , <u>buy</u>
3	/ɔɪ/	e.g. <u>boy</u> , <u>voice</u> , <u>enjoy</u>
4	/aʊ/	e.g. <u>close</u> , <u>know</u> , <u>moment</u>
5	/oʊ/	e.g. <u>town</u> , <u>flower</u> , <u>mountain</u>
6	/ɪə/	e.g. <u>hear</u> , <u>here</u> , <u>appear</u>
7	/eə/	e.g. <u>hair</u> , <u>wear</u> , <u>parents</u>
8	/ʊə/	e.g. <u>sure</u> , <u>January</u>

## 2.5. Consonants (மெய்யெழுத்துக்கள்)

Sounds which are not vowels are called consonants. The Remaining 21 letters are consonants. And totally there are 24 consonant sounds and it is classified into voiced and unvoiced consonants.

உயிரெழுத்துக்கள் அல்லாத ஒலிகள் மெய்யெழுத்துக்கள் எனப்படும். மீதமுள்ள 21 எழுத்துக்கள் மெய்யெழுத்துக்கள். மேலும் மொத்தம் 24 மெய்யெழுத்து ஒலிகள் உள்ளன, அவை குரல் மற்றும் குரலற்ற மெய்யெழுத்துகள் என வகைப்படுத்தப்படுகின்றன.

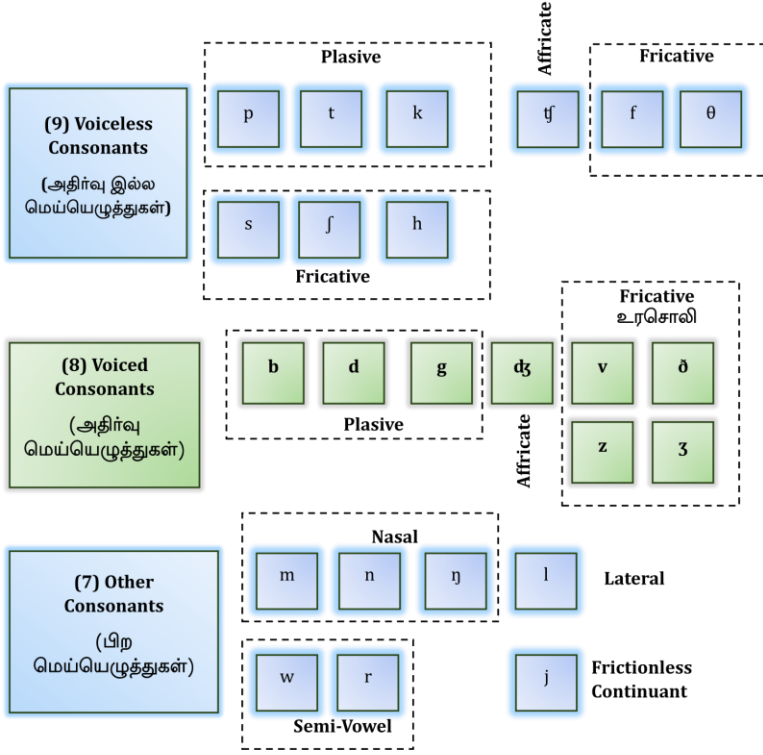
Consonants are speech sounds that are produced by obstructing or restricting the airflow in some way. They can be voiced or voiceless, and the IPA is also used to represent these sounds.

மெய்யெழுத்துக்கள் என்பவை காற்றோட்டத்தை ஏதோவொரு வகையில் தடுப்பதன் மூலம் அல்லது கட்டுப்படுத்துவதன் மூலம் உருவாகும் பேச்சு ஒலிகள். அவை குரல் அல்லது குரலற்றதாக இருக்கலாம், மேலும் இந்த ஒலிகளைக் குறிக்க ஐபிஏ பயன்படுத்தப்படுகிறது.

### Semi-Vowels:

These are two consonant sounds which are called semi vowels. They are j and w. when we articulate the two consonant sounds they are produced not by full contraction, friction or modification. Hence there are no explosive or friction sounds produced. These two sounds are produced in the way of the vowels but the difference in contraction in some part of mouth and lips has made them classifiable under consonants.

## Consonants' Sounds (Voiced, Voiceless, and Others)



**Figure #14: Consonants Classification**

Here are some examples of IPA symbols for English consonant sounds:

Unvoiced Consonants (குரலற்ற அல்லது அதிர்வு இல்லாத அல்லது அதிர்வற்ற மெய்யெழுத்துக்கள்)

### 1. p - pea /p/:

Tamil: /p/ எனும் இந்த அதிர்வு இல்லாத மெய்யெழுத்தின் தமிழ் ஒலி “ப, ப்” போன்ற ஒலிகளாகும்.

## 2. f - free /f/:

**Tamil:** /f/ எனும் இந்த அதிர்வு இல்லாத மெய்யெழுத்தின் தமிழ் ஒலி “ஃபா, இஃப்” போன்ற ஒலிகளாகும்.

## 3. θ - thing /θ/:

**Tamil:** /θ/ எனும் இந்த அதிர்வு இல்லாத மெய்யெழுத்தின் தமிழ் ஒலி “த்” போன்ற ஒலிகளாகும். “த்” எனும் இந்த எழுத்தை உச்சரிக்கும் போது அழுத்தம் கொடுத்து கூற வேண்டும்.

## 4. t - tree /t/:

**Tamil:** /t/ எனும் இந்த அதிர்வு இல்லாத மெய்யெழுத்தின் தமிழ் ஒலி “ட்ட, ட், ட” போன்ற ஒலிகளாகும்.

## 5. s - see /s/:

**Tamil:** /s/ எனும் இந்த அதிர்வு இல்லாத மெய்யெழுத்தின் தமிழ் ஒலி “ஸ்” எனும் ஒலிகளாகும்.

## 6. ʃ - sheep /ʃ/:

**Tamil:** /ʃ/ எனும் இந்த அதிர்வு இல்லாத மெய்யெழுத்தின் தமிழ் ஒலி “ஷ்” எனும் ஒலிகளாகும்.

## 7. tʃ - cheese /tʃ/:

**Tamil:** /tʃ/ எனும் இந்த அதிர்வு இல்லாத மெய்யெழுத்தின் தமிழ் ஒலி “ச், ச்சு” எனும் ஒலிகளாகும்.

## 8. k - coin /k/:

**Tamil:** /k/ எனும் இந்த குரலற்ற (அதிர்வு) இல்லாத மெய்யெழுத்தின் தமிழ் ஒலி “க்” எனும் ஒலிகளாகும்.

## Voiced Consonants (குரல் ஒலித்த மெய்யெழுத்துக்கள்)

### 1. b - boat /b/:

**Tamil:** /b/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி அழுத்தம் இல்லாத “ப், போ” போன்ற உச்சரிப்பு ஒலிகளாகும்.

### 2. v - video /v/:

**Tamil:** /v/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி “வ, வீ” போன்ற உச்சரிப்பு ஒலிகளாகும்.

### 3. ð - this /ð/:

**Tamil:** /ð/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி அழுத்தம் இல்லாத “த்” எனும் உச்சரிப்பு ஒலிகளாகும். “த்” எனும் இந்த எழுத்தை உச்சரிக்கும் போது அழுத்தம் கொடுக்காமல் உச்சரிக்க வேண்டும்.

### 4. d - dog /d/:

**Tamil:** /d/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி அழுத்தம் இல்லாத “ட, டீ, டோ” எனும் உச்சரிப்பு ஒலிகளாகும்.

### 5. z - zoo /z/:

**Tamil:** /z/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி அழுத்தம் இல்லாத “இஸ்” எனும் உச்சரிப்பு ஒலிகளாகும்.

### 6. ʒ - television /ʒ/:

**Tamil:** /ʒ/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி அழுத்தம் இல்லாத “விஸ்” எனும் உச்சரிப்பு ஒலிகளாகும்.

### 7. ட் - joke /ட/:

**Tamil:** /ட/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி அழுத்தம் இல்லாத “ஜ், ஜோ, ஜ” எனும் உச்சரிப்பு ஒலிகளாகும்.

### 8. g - go /g/:

**Tamil:** /g/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி அழுத்தம் இல்லாத “க, கோ” எனும் உச்சரிப்பு ஒலிகளாகும்.

### 9. m - mouse /m/:

**Tamil:** /m/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி அழுத்தம் இல்லாத “ம, ம், மூ, மோ” போன்ற உச்சரிப்பு ஒலிகளாகும்.

### 10. n - now /n/:

**Tamil:** /n/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி அழுத்தம் இல்லாத “ந, ன, ன்” போன்ற உச்சரிப்பு ஒலிகளாகும்.

### 11. ற - thing /ற/:

**Tamil:** /ற/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி “ங்” எனும் உச்சரிப்பு ஒலியாகும்.

### 12. h - hope /h/:

**Tamil:** /h/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி அழுத்தம் இல்லாத “ஹ, ஹி, ஹோ, ஹ்” போன்ற உச்சரிப்பு ஒலிகளாகும்.

### 13. w - we /w/:

**Tamil:** /w/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி அழுத்தம் இல்லாத “வ், வ்வ” போன்ற உச்சரிப்பு ஒலிகளாகும்.

#### 14. l - love /l/:

**Tamil:** /l/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி “ல, ல்” போன்ற உச்சரிப்பு ஒலிகளாகும்.

#### 15. r - run /r/:

**Tamil:** /r/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி “ர, ரா, ரீ” போன்ற உச்சரிப்பு ஒலிகளாகும்.

#### 16. j - you /j/:

**Tamil:** /j/ எனும் இந்த குரல் (அதிர்வு) ஒலித்த மெய்யெழுத்தின் தமிழ் ஒலி “ஜ்யூ” எனும் உச்சரிப்பு ஒலி ஆகும்.

#### Diagraphs

In the above, the **Diagraphs** of voiced and voiceless consonants are provided. Therefore, kindly refer to the above sections. மேலே, இரட்டை மெய்யெழுத்துக்கள்ளின் குரல் ஒலித்த மற்றும் குரலற்ற மெய்யெழுத்துகள் கொடுக்கப்பட்டுள்ளன. எனவே, மேலே கொடுக்கப்பட்ட பகுதிகளை வாசிக்கவும்.

#### Some special consonants and also known as “Diagraphs”:

1	/ʃ/	e.g. <u>sh</u> ip, Eng <u>li</u> sh, music <u>ia</u> n
2	/tʃ/	e.g. lun <u>ch</u> , <u>ch</u> air, tea <u>ch</u> er
3	/ʒ/	e.g. telev <u>is</u> ion, pleas <u>ur</u> e
4	/dʒ/	e.g. <u>j</u> ohn, langua <u>ge</u> , larg <u>e</u>
5	/θ/	e.g. too <u>th</u> , <u>th</u> ink, birt <u>h</u> day
6	/ð/	e.g. <u>th</u> is, wea <u>th</u> er, wit <u>h</u>
7	/ŋ/	e.g. br <u>in</u> g, lon <u>g</u> , build <u>in</u> g



**Consonants and Graphemes (மெய்யெழுத்துகளும்  
எழுத்துக்களின் வடிவங்கள்)**

Phoneme	IPA Symbol	Graphemes	Examples	Voiced?
1	f	f, ff, ph, gh, lf, ft	fat, cliff, phone, enough, half, often	No
2	h	h, wh	hop, who	No
3	k	k, c, ch, cc, lk, qu, q(u), ck, x	kit, cat, Chris, accent, folk, bouquet, queen, rack, box	No
4	p	p, pp	pin, dippy	No
5	s	s, ss, c, sc, ps, st, ce, se	sit, less, circle, scene, psycho, listen, pace, course	No
6	t	t, tt, th, ed	tip, matter, Thomas, ripped	No
7	tʃ	ch, tch, tu, ti, te	chip, watch, future, action, righteous	No
8	ʃ	sh, ce, s, ci, si, ch, sci, ti	sham, ocean, sure, special, pension, machine, conscience, station	No
9	θ	th	thongs	No
10	b	b, bb	bug, bubble	Yes
11	d	d, dd, ed	dad, add, milled	Yes
12	g	g, gg, gh, gu, gue	gun, egg, ghost, guest, prologue	Yes
13	dʒ	j, ge, g, dge, di, gg	jam, wage, giraffe, edge,	Yes

			soldier, exaggerate	
14	l	l, ll	live, well	Yes
15	m	m, mm, mb, mn, lm	man, summer, comb, column, palm	Yes
16	n	n, nn, kn, gn, pn, mn	net, nut, funny, know, gnat, pneumonic, mnemonic	Yes
17	r	r, rr, wr, rh	run, carrot, wrench, rhyme	Yes
18	v	v, f, ph, ve	vine, of, Stephen, five	Yes
19	w	w, wh, u, o	wit, why, quick, choir	Yes
20	z	z, zz, s, ss, x, ze, se	zed, buzz, his, scissors, xylophone, craze	Yes
21	ʒ	s, si, z	treasure, division, azure	Yes
22	ð	th	leather	Yes
23	ŋ	ng, n, ngue	ring, pink, tongue	Yes
24	j	y, i, j	you, onion, hallelujah	Yes

**English** also has **7 digraph sounds**, which are combinations of two letters that represent a single sound. These are the special consonants. The digraph sounds in English are:

/ʃ/ as in “ship” (sh) - /ʒ/ as in “measure” (zh) - /θ/ as in “think” (th) - /ð/ as in “this” (th) - /tʃ/ as in “church” (ch) - /dʒ/ as in “judge” (j) - /ŋ/ as in “sing” (ng) These are the main categories and subcategories of vowel and consonant sounds in English. Keep in mind that the pronunciation of sounds can vary depending on accents and dialects.

Here are seven examples of consonant digraph sounds in English:

1. /sh/ as in “ship” – Example: “ship” /ʃɪp/
2. /ch/ as in “chat” – Example: “chat” /tʃæt/
3. /th/ as in “think” – Example: “think” /θɪŋk/
4. /wh/ as in “whale” – Example: “whale” /weɪl/
5. /ph/ as in “phone” – Example: “phone” /foʊn/
6. /ng/ as in “sing” – Example: “sing” /sɪŋ/
7. /ck/ as in “duck” – Example: “duck” /dʌk/

These are just a few examples of words that contain consonant digraph sounds. Remember that pronunciation can vary depending on accents and dialects.

### **The Place of Articulation (உச்சரிப்பு இடம்)**

In Consonants there is an audible friction or modification at some place in the mouth. Consonants are classified on the basis of (a) the place of articulation and (b) the manner of articulation.

மெய்யெழுத்துக்களில் வாயில் ஓரிடத்தில் கேட்கக்கூடிய உராய்வு அல்லது மாற்றம் ஏற்படுகிறது. மெய்யெழுத்துக்கள் (அ) உச்சரிக்கப்படும் இடம், (ஆ) உச்சரிக்கப்படும் முறை ஆகியவற்றின் அடிப்படையில் வகைப்படுத்தப்படுகின்றன.

#### **The place of articulation:**

1. **Bilabial:** articulated by the two lips. **பிலாபியல்:** இரண்டு உதடுகளால் உச்சரிக்கப்படுகிறது.
2. **Labiodental:** articulated by the lower lip against the upper teeth. **லேபியோடென்டல்:** மேல் பற்களுக்கு எதிராக கீழ் உதட்டால் வெளிப்படுத்தப்படுகிறது.
3. **Dental** articulated by the tip of the tongue and the back of the upper teeth. **பல்:** நாக்கின் நுனி மற்றும் மேல் பற்களின் பின்புறம் மூலம் வெளிப்படுத்தப்படுகிறது.

**4. Alveolar:** articulated by the lip or the blade of the tongue against the teeth ridge. **அல்வியோலர்:** உதடு அல்லது நாக்கின் பிளேடால் பற்களின் முகட்டில் இருந்து வெளிப்படுகிறது.

**5. Palato-alveolar:** articulated by raising the main body of the tongue and touching with the blade of tongue. **பாலட்டோ-அல்வியோலர்:** நாவின் முக்கிய உடலை உயர்த்தி நாக்கின் பிளேடால் தொடுவதன் மூலம் வெளிப்படுத்தப்படுகிறது.

**6. Palatal:** articulated by the front of the tongue against the hard palate. **அண்ணம்:** கடினமான அண்ணத்திற்கு எதிராக நாக்கின் முன்புறத்தால் உச்சரிக்கப்படுகிறது.

**7. Velar:** articulated by the back of the tongue against the soft palate. **வேளர்:** மென்மையான அண்ணத்திற்கு (நாக்கின் மேற் பகுதி) எதிராக நாக்கின் பின்புறத்தால் உச்சரிக்கப்படுகிறது.

**8. Glottal:** articulated in the glottis. **க்ளோட்டல்:** க்ளோட்டிஸில் (தொண்டை) வெளிப்படுத்தப்படுகிறது

### Classification of Consonants (24 Consonant Sounds)

Place of Articulation உச்சரிக்கும் இடம்	Bilabial	Labiodental	Dental	Alveolar	Postalveolar	Palato alveolar	Palatal	Velar	Glottal
Manner of Articulation உச்சரிக்கும் விதம்									
<b>1) Plosive (நிறுத்து ஒலிகள்)</b>									
Unvoiced	p			t				k	
Voiced	b			d				g	
<b>2) Affricate</b>									
Unvoiced						tʃ			
Voiced						dʒ			
<b>3) Fricative</b>									
Unvoiced		f	θ	s		ʃ			h
Voiced		v	ð	z		ʒ			
<b>4) Nasal</b>	m			n				ŋ	
<b>5) Lateral</b>				l					
<b>6) Semi-Vowel</b>	w						j		
<b>7) Frictionless Continuant</b>					r				

*Please note that these symbols represent general sounds, and there may be variations in pronunciation due to accents, dialects, and individual speech patterns.*

இந்த சின்னங்கள் பொதுவான ஒலிகளைக் குறிக்கின்றன என்பதை நினைவில் கொள்க, மேலும் உச்சரிப்புகள், கிளைமொழிகள் மற்றும் தனிப்பட்ட பேச்சு முறைகள் காரணமாக உச்சரிப்பில் வேறுபாடுகள் இருக்கலாம்.

## **Manner of Articulation (உச்சரிப்பு விதம்)**

### **1. Plosive (நிறுத்துதல் ஒலி):**

**Plosive (நிறுத்துதல்):** ஒரு மொழியிலுள்ள ஒலியியல் கூறு, இது வாயு எழுப்பும் வழிமுறை மூலம் உருவாக்கப்படுகிறது. இது, வாயைப் பூரணமாக மூடி, பிறகு திடீரென்று திறந்து, வாயுப் பகுதியில் ஒரு திடமான "பட" அல்லது "பக்" எனும் சப்தத்தை உருவாக்குகிறது.

#### **Unvoiced (குரலற்ற):**

**Examples (உதாரணங்கள்):** /p/ - ப, /t/ - ட, /k/ - க

#### **Voiced (குரல்):**

**Examples (உதாரணங்கள்):** /b/ - ப், /d/ - ட், /g/ - க்

### **2. Affricate (இணைத்த மெய்உச்சரிப்பு):**

#### **Unvoiced (குரலற்ற):**

**Examples (உதாரணங்கள்):** /tʃ/ - ச், /ʃ/ - ஷ்

#### **Voiced (குரல்):**

**Examples (உதாரணங்கள்):** /dʒ/ - ஜ், /ʒ/ - ழ்

### 3. Fricative (உறைபுணர்வு):

#### Unvoiced (குரலற்ற):

Examples (உதாரணங்கள்): /f/ - ஃப், /θ/ - த், /s/ - ச், /ʃ/ - ஷ்

#### Voiced (குரல்):

Examples (உதாரணங்கள்): /v/ - வ், /ð/ - த், /z/ - ஸ், /ʒ/ - ழ்

### 4. Nasal (மூக்கு ஒலி):

Examples (உதாரணங்கள்): /m/ - ம், /n/ - ன், /ŋ/ - ங்

### 5. Lateral (பக்கவழி):

Examples (உதாரணங்கள்): /l/ - ல், /ɭ/ - ல்

### 6. Semi-Vowel (இடைமொழி):

Examples (உதாரணங்கள்): /j/ - ய், /w/ - வ்

### 7. Frictionless Continuant (உறையற்ற தொடர்ச்சிமொழி):

Examples (உதாரணங்கள்): /r/ - ர், /h/ - ஹ்

### Conclusion

English has 26 letters in the alphabet, but there are approximately 44 unique sounds, or phonemes, in the language. These sounds are classified into vowels and consonants. The International Phonetic Alphabet (IPA) is commonly used to represent these sounds, providing a standardized way to transcribe and study the sounds of spoken languages.

### முடிவுரை

ஆங்கில எழுத்துக்களில் 26 எழுத்துக்கள் உள்ளன, ஆனால் மொழியில் சுமார் 44 தனித்துவமான ஒலிகள் அல்லது ஒலிப்புகள் உள்ளன. இந்த ஒலிகள் உயிரெழுத்துக்கள் மற்றும்

மெய்யெழுத்துக்கள் என வகைப்படுத்தப்படுகின்றன. சர்வதேச ஒலிப்பு எழுத்துக்கள் (ஐபிஏ) பொதுவாக இந்த ஒலிகளைக் குறிக்கப் பயன்படுகிறது, இது பேசும் மொழிகளின் ஒலிகளை படியெடுக்கவும் ஆய்வு செய்யவும் தரப்படுத்தப்பட்ட வழியை வழங்குகிறது.

## 2.6. Transcription (ஒலி வார்த்தை எழுத்துத் தொகுப்பு / ஒலி மொழிபெயர்ப்பு / ஒலி உச்சரிப்புப் பதிவு)

Transcription is the process of representing spoken language using a written system, such as the International Phonetic Alphabet (IPA). It allows linguists, language learners, and speech professionals to accurately document and analyze the sounds of a language. Transcription involves assigning specific symbols to each phoneme or sound in a word or utterance.

ஒலி உச்சரிப்புப் பதிவு / வார்த்தை எழுத்துத் தொகுப்பு / மொழிபெயர்ப்பு என்பது சர்வதேச ஒலிப்பு எழுத்துக்கள் (ஐபிஏ) போன்ற எழுதப்பட்ட அமைப்பைப் பயன்படுத்தி பேச்சு மொழியைக் குறிக்கும் செயல்முறையாகும். இது மொழியியலாளர்கள், மொழி கற்பவர்கள் மற்றும் பேச்சு வல்லுநர்களை ஒரு மொழியின் ஒலிகளை துல்லியமாக ஆவணப்படுத்தவும் பகுப்பாய்வு செய்யவும் அனுமதிக்கிறது. படியெடுத்தல் என்பது ஒரு சொல் அல்லது உச்சரிப்பில் உள்ள ஒவ்வொரு ஒலிப்பு அல்லது ஒலிக்கும் குறிப்பிட்ட குறியீடுகளை ஒதுக்குவதை உள்ளடக்குகிறது.

Transcription is the process of using IPA (International Phonetic Alphabet) symbols to represent the pronunciation of words. This involves converting spoken words into their phonetic equivalents using the standardized symbols of the IPA, which accurately represent the sounds of any language.

### Explanation:

Transcription is an essential tool in linguistics and language learning. It helps in capturing the exact pronunciation of words, which is particularly useful for learners who are trying to master the sounds of a new language. By replacing words with their corresponding IPA

symbols, one can understand how each sound is produced and how it fits into the broader phonetic system of the language.

**For example:**

The word **"cat"** can be transcribed using IPA symbols as /kæt/.

The word **"bird"** can be transcribed as /bɜːrd/.

Using these symbols, the pronunciation of words can be standardized and studied across different languages and dialects.

Here are a few example questions and answers related to transcription:

**Q:** How do you transcribe the word “cat” using the International Phonetic Alphabet? **A:** The word “cat” can be transcribed as /kæt/ using the IPA.

**Q:** What is the transcription for the diphthong in the word “boy”? **A:** The diphthong in “boy” can be transcribed as /ɔɪ/ using the IPA.

**Q:** How would you transcribe the consonant sound in the word “ship”? **A:** The consonant sound in “ship” can be transcribed as /ʃ/ using the IPA.

**Transcribe (பதிவேற்றுதல் / நகலெழுது) /trän-skrīb'/:**

To make a full written or typewritten copy of (dictated material, for example).

முழுமையான எழுத்து அல்லது தட்டச்சு நகலை உருவாக்குதல் (உதாரணமாக, உச்சரிக்கப்பட்ட பொருளின்).

To transfer (information) from one recording and storing system to another. (தகவலை) ஒரு பதிவும் சேமிப்பு முறையிலிருந்து மற்றொரு முறைக்கு மாற்றுதல்.

To adapt or arrange (a composition) for a voice or instrument other than the original. (ஒரு இசைத்தொகுப்பை) அசலானது தவிர



மற்றொரு குரல் அல்லது கருவி பொருந்துமாறு ஏற்படுத்துதல் அல்லது ஒழுங்கமைத்தல்.

**Transcription (உச்சரிப்புப் பதிவு) /trän-skrĭp'shən/**

1. The act or process of transcribing. பதிவு அல்லது நகலெழுதும் செயல்முறை.
2. Something that has been transcribed, especially. குறிப்பாக, பதிவுசெய்யப்பட்ட ஏதாவது ஒன்று.
3. An adaptation of a composition. ஒரு தொகுப்பின் மாற்றம் அல்லது ஒழுங்கமைப்பு.

**Reference:** (The American Heritage® Dictionary of the English Language, 5th Edition)

**மேற்கோள்:** (ஆங்கில மொழியின் அமெரிக்க பாரம்பரிய® அகராதி, 5 வது பதிப்பு)

## Questions and Answers of the Unit 2

1. Identify the vowels and diphthongs in the following words: Gift; Pink; Like; Cheat; Pull; Nice; Bowl; Faint; Bag; Mind. [May 2023]

**Answer:**

To identify the vowels and diphthongs in the given words, let's analyze each word individually:

1. **Gift:** The vowel sound is /ɪ/ (short i).
2. **Pink:** The vowel sound is /ɪ/ (short i).
3. **Like:** The vowel sound is /aɪ/ (a diphthong).
4. **Cheat:** The vowel sound is /i:/ (long e).
5. **Pull:** The vowel sound is /ʊ/ (short u).
6. **Nice:** The vowel sound is /aɪ/ (a diphthong).
7. **Bowl:** The vowel sound is /əʊ/ (a diphthong).
8. **Faint:** The vowel sound is /eɪ/ (a diphthong).
9. **Bag:** The vowel sound is /æ/ (short a).
10. **Mind:** The vowel sound is /aɪ/ (a diphthong).

Here are the transcriptions of the words you provided in the International Phonetic Alphabet (IPA) for British English:

1. **Gift:** /ɡɪft/
2. **Pink:** /pɪŋk/
3. **Like:** /laɪk/
4. **Cheat:** /tʃi:t/
5. **Pull:** /pʊl/
6. **Nice:** /naɪs/
7. **Bowl:** /bəʊl/
8. **Faint:** /feɪnt/
9. **Bag:** /bæg/
10. **Mind:** /maɪnd/

## 2. Transcribe the following words:

**Mail; Boy; Seal; Fear; Buy; Top; Fat; King; Leap; Nap [May 2023]**

### **Answer:**

Here are the transcriptions of the words you provided in the International Phonetic Alphabet (IPA) for British English:

1. **Mail:** /meɪl/
2. **Boy:** /bɔɪ/
3. **Seal:** /si:l/
4. **Fear:** /fɪər/
5. **Buy:** /baɪ/
6. **Top:** /tɒp/
7. **Fat:** /fæt/
8. **King:** /kɪŋ/
9. **Leap:** /li:p/
10. **Nap:** /næp/

### **Note:**

Four are front vowels: [ i:, ɪ, e, æ ]

Five are back vowels: [ a:, ɜ:, u, ɔ:, ʊ: ]

Three are central vowels: [ ʌ, ɜ:, ə ]

Out of these, / i:, ɔ:, ʊ:, u:, ɜ: / are long vowels and the rest short.  
Only four back vowels, / ɜ, u, ɔ:, u: / are rounded, all the other monophthongs are unrounded.

**PART – D**  
**May 2018**  
**[3922-18]**

**1. Identify the vowels and diphthongs in the following words.**

**Best; tan; fix; jeep; fax; sign; coin; might; try; tour**

Here are the vowels and diphthongs in the given words:

1. **Best:** The vowel sound is /e/.
2. **Tan:** The vowel sound is /æ/.
3. **Fix:** The vowel sound is /ɪ/.
4. **Jeep:** The vowel sound is /i:/.
5. **Fax:** The vowel sound is /æ/.
6. **Sign:** The vowel sound is /ai/ (a diphthong).
7. **Coin:** The vowel sound is /ɔi/ (a diphthong).
8. **Might:** The vowel sound is /ai/ (a diphthong).
9. **Try:** The vowel sound is /ai/ (a diphthong).
10. **Tour:** The vowel sound is /ʊə/ (a diphthong).

**2. Transcribe the following words.**

**Jack; King; deep; look; sick; fly; brain; trial; now; curd**

Here are the phonetic transcriptions of the given words using the International Phonetic Alphabet (IPA):

1. **Jack:** /dʒæk/
2. **King:** /kɪŋ/
3. **Deep:** /di:p/
4. **Look:** /lʊk/
5. **Sick:** /sɪk/
6. **Fly:** /flaɪ/
7. **Brain:** /breɪn/
8. **Trial:** /traɪəl/
9. **Now:** /naʊ/
10. **Curd:** /kɜ:rd/

**PART – D**  
**November 2018**  
**[4051-18]**

**1. Identify the vowels and diphthongs in the following words**

**Fool; pick; this; hit; past; fly; there; ice; mail; poor**

Here are the vowels and diphthongs in the given words:

1. **Fool:** The vowel sound is /u:/
2. **Pick:** The vowel sound is /ɪ/
3. **This:** The vowel sound is /ɪ/
4. **Hit:** The vowel sound is /ɪ/
5. **Past:** The vowel sound is /æ/
6. **Fly:** The vowel sound is /ai/ (a diphthong)
7. **There:** The vowel sound is /eə/ (a diphthong)
8. **Ice:** The vowel sound is /ai/ (a diphthong)
9. **Mail:** The vowel sound is /eɪ/ (a diphthong)
10. **Poor:** The vowel sound is /ʊə/ (a diphthong)

**2. Transcribe the following words**

**Bun; bike; call; cry; most; man; judge; pail; sing; sack**

Here are the phonetic transcriptions of the given words using the International Phonetic Alphabet (IPA):

1. **Bun:** /bʌn/
2. **Bike:** /baɪk/
3. **Call:** /kɔ:l/
4. **Cry:** /kraɪ/
5. **Most:** /moʊst/
6. **Man:** /mæn/
7. **Judge:** /dʒʌdʒ/
8. **Pail:** /peɪl/
9. **Sing:** /sɪŋ/
10. **Sack:** /sæk/

**PART – D**  
**May 2019**  
**[4282-19]**

**1. Identify the vowels and diphthongs in the following words:**

**Mark; teach; what; not; word; right; type; your; social; where**

Here are the words you listed with their vowels and diphthongs represented in the International Phonetic Alphabet (IPA):

1. **Mark:** /mɑ:rk/ - The vowel sound is /ɑ:/.
2. **Teach:** /ti:tʃ/ - The vowel sound is /i:/.
3. **What:** /wɒt/ - The vowel sound is /ɒ/.
4. **Not:** /nɒt/ - The vowel sound is /ɒ/.
5. **Word:** /wɜ:rd/ - The vowel sound is /ɜ:r/.
6. **Right:** /raɪt/ - The diphthong is /aɪ/.
7. **Type:** /taɪp/ - The diphthong is /aɪ/.
8. **Your:** /jɔ:r/ - The vowel sound is /ɔ:r/.
9. **Social:** /'soʊʃəl/ - The vowel sounds are /oʊ/ and /ə/.
10. **Where:** /weər/ - The diphthong is /eə/.

**2. Transcribe the following words:**

**East; fry; neat; press; here; this; fist; just; sing; toy**

Here are the words you listed with their transcriptions in the International Phonetic Alphabet (IPA):

1. **East:** /i:st/
2. **Fry:** /fraɪ/
3. **Neat:** /ni:t/
4. **Press:** /pres/
5. **Here:** /hɪər/
6. **This:** /ðɪs/
7. **Fist:** /fɪst/
8. **Just:** /dʒʌst/
9. **Sing:** /sɪŋ/
10. **Toy:** /tɔɪ/

**PART – D**  
**November 2019**  
**[4473-19]**

**1. Identify the vowels and diphthongs in the following words:**

**Tree; gist; gap; sell; neat; fry; coy; how; hear; poor**

Here are the words you listed with their vowels and diphthongs represented in the International Phonetic Alphabet (IPA):

1. **Tree:** /tri:/ – The vowel sound is /i:/.
2. **Gist:** /dʒɪst/ – The vowel sound is /ɪ/.
3. **Gap:** /gæp/ – The vowel sound is /æ/.
4. **Sell:** /sel/ – The vowel sound is /ɛ/.
5. **Neat:** /ni:t/ – The vowel sound is /i:/.
6. **Fry:** /fraɪ/ – The diphthong is /aɪ/.
7. **Coy:** /kɔɪ/ – The diphthong is /ɔɪ/.
8. **How:** /haʊ/ – The diphthong is /aʊ/.
9. **Hear:** /hɪər/ – The diphthong is /ɪə/.
10. **Poor:** /pʊər/ or /pɔ:r/ – The diphthong is /ʊə/ or /ɔ:/ depending on the accent.

**2. Transcribe the following words:**

**Jam; sleep; kick; free; like; map; sick; caught; grim; ran**

**Words with IPA Transcriptions**

1. **Jam:** /dʒæm/
2. **Sleep:** /sli:p/
3. **Kick:** /kɪk/
4. **Free:** /fri:/
5. **Like:** /laɪk/
6. **Map:** /mæp/
7. **Sick:** /sɪk/
8. **Caught:** /kɔ:t/
9. **Grim:** /grɪm/
10. **Ran:** /ræn/

**PART – D**  
**January 2021**  
**[TA1A]**

**1. Identify the vowels and diphthongs in the following words**

**Bite; feast; price; might; clap; bus; tie; neat; click; jeep**

Here are the words you listed with their corresponding vowels and diphthongs represented in the International Phonetic Alphabet (IPA):

1. **Bite:** /baɪt/ – The vowel sound is /aɪ/, which is a diphthong.
2. **Feast:** /fi:st/ – The vowel sound is /i:/.
3. **Price:** /praɪs/ – The vowel sound is /aɪ/, which is a diphthong.
4. **Might:** /maɪt/ – The vowel sound is /aɪ/, which is a diphthong.
5. **Clap:** /klæp/ – The vowel sound is /æ/.
6. **Bus:** /bʌs/ – The vowel sound is /ʌ/.
7. **Tie:** /taɪ/ – The vowel sound is /aɪ/, which is a diphthong.
8. **Neat:** /ni:t/ – The vowel sound is /i:/.
9. **Click:** /klɪk/ – The vowel sound is /ɪ/.
10. **Jeep:** /dʒi:p/ – The vowel sound is /i:/.

**2. Transcribe the following words:**

**Joy, kite, flat, just, knot, deep, that, these, tall, ice**

**Words with IPA Transcriptions**

1. **Joy:** /dʒɔɪ/
2. **Kite:** /kaɪt/
3. **Flat:** /flæt/
4. **Just:** /dʒʌst/
5. **Knot:** /nɔ:t/
6. **Deep:** /di:p/
7. **That:** /ðæt/
8. **These:** /ði:z/
9. **Tall:** /tɔ:l/
10. **Ice:** /aɪs/



Here are the words you listed with their corresponding vowels and diphthongs represented in the International Phonetic Alphabet (IPA):

1. **Joy:** /dʒɔɪ/ - The vowel sound is /ɔɪ/, which is a diphthong.
2. **Kite:** /kaɪt/ - The vowel sound is /aɪ/, which is a diphthong.
3. **Flat:** /flæt/ - The vowel sound is /æ/.
4. **Just:** /dʒʌst/ - The vowel sound is /ʌ/.
5. **Knot:** /nɑ:t/ - The vowel sound is /ɑ:/.
6. **Deep:** /di:p/ - The vowel sound is /i:/.
7. **That:** /ðæt/ - The vowel sound is /æ/.
8. **These:** /ði:z/ - The vowel sound is /i:/.
9. **Tall:** /tɔ:l/ - The vowel sound is /ɔ:/.
10. **Ice:** /aɪs/ - The vowel sound is /aɪ/, which is a diphthong.

**PART – D**  
**December 2022**  
**[5501-22]**

**1. Identify the vowels and diphthongs in the following words**

**Play; while; kind; term; pure; blue; main; fly; how; near**

Here are the words with their corresponding vowels and diphthongs represented in the International Phonetic Alphabet (IPA):

1. **Play:** /pleɪ/ - The vowel sound is /eɪ/ (a diphthong).
2. **While:** /waɪ/ - The vowel sound is /aɪ/ (a diphthong).
3. **Kind:** /kaɪnd/ - The vowel sound is /aɪ/ (a diphthong).
4. **Term:** /tɜːrm/ - The vowel sound is /ɜː/ (a monophthong).
5. **Pure:** /pjʊər/ or /pjɔːr/ - The vowel sound is /ʊə/ or /ɔː/ (a diphthong).
6. **Blue:** /bluː/ - The vowel sound is /uː/ (a monophthong).
7. **Main:** /meɪn/ - The vowel sound is /eɪ/ (a diphthong).
8. **Fly:** /flaɪ/ - The vowel sound is /aɪ/ (a diphthong).
9. **How:** /haʊ/ - The vowel sound is /aʊ/ (a diphthong).
10. **Near:** /nɪər/ or /nɪr/ - The vowel sound is /ɪə/ or /ɪr/ (a diphthong).

**2. Transcribe the following words: Get; pool; meat; fear; bus; court; judge; sky; tank; cup: /e/ or /ɛ/ both are same. /e/ as in “bed”**

The /ɛ/ sound is also a common sound in English, often referred to as the “short e” or “open e” sound. It’s slightly different from the /e/ sound. Here are a few examples of words with the /ɛ/ sound:

1. Bet
2. Men
3. Bread
4. Desk
5. Friend

/e/ as in the word “bed”. This is known as the **short e** sound, and it’s common in many English words.

**Examples:**

1. pen
2. let
3. red
4. met

Here are the words, transcribed into the International Phonetic Alphabet (IPA):

1. **Get:** /gɛt/ or /get/
2. **Pool:** /pu:l/
3. **Meat:** /mi:t/
4. **Fear:** /fiə/
5. **Bus:** /bʌs/
6. **Court:** /kɔ:rt/
7. **Judge:** /dʒʌdʒ/
8. **Sky:** /skaɪ/
9. **Tank:** /tæŋk/
10. **Cup:** /kʌp/

**PART – D**  
**May 2023**  
**[5727-23]**

**1. Identify the vowels and diphthongs in the following words: Gift; Pink; Like; Cheat; Pull; Nice; Bowl; faint; Bag; Mind**

Here are the words you provided with their vowels and diphthongs represented in the International Phonetic Alphabet (IPA):

1. **Gift:** /ɪ/ as in “sit”
2. **Pink:** /ɪ/ as in “sit”
3. **Like:** /aɪ/ as in “I”
4. **Cheat:** /i:/ as in “see”
5. **Pull:** /ʊ/ as in “book”
6. **Nice:** /aɪ/ as in “I”
7. **Bowl:** /əʊ/ as in “go”
8. **Faint:** /eɪ/ as in “day”
9. **Bag:** /æ/ as in “cat”
10. **Mind:** /aɪ/ as in “I”

**2. Transcribe the following words**

Mail; Boy; Seal; Fear; Buy; Top; Fat; King; Leap; Nap

Here are the words you listed transcribed into the International Phonetic Alphabet (IPA):

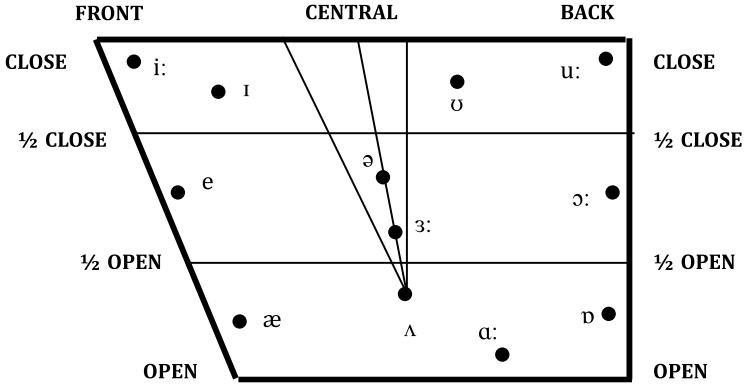
1. **Mail:** /meɪl/
2. **Boy:** /bɔɪ/
3. **Seal:** /si:l/
4. **Fear:** /fɪər/
5. **Buy:** /baɪ/
6. **Top:** /tɒp/
7. **Fat:** /fæt/
8. **King:** /kɪŋ/
9. **Leap:** /li:p/
10. **Nap:** /næp/

Here are the transcriptions for the provided words:

1. **be:** /bi:/
2. **see:** /si:/
3. **ski:** /ski:/
4. **city:** /'sɪti/
5. **beach:** /bi:tʃ/
6. **big:** /bɪg/
7. **busy:** /'bɪzi/
8. **english:** /'ɪŋɡlɪʃ/
9. **been:** /bi:n/
10. **myth:** /mɪθ/
11. **woman:** /'wʊmən/
12. **full:** /fʊl/
13. **look:** /lʊk/
14. **who:** /hu:/
15. **food:** /fu:d/
16. **music:** /'mju:zɪk/
17. **you:** /ju:/
18. **new:** /nju:/

## Additional Information (கூடுதல் தகவல்): VOWELS

### PLACE OF ARTICULATION (உயிரெழுத்துக்கள் உச்சரிக்கும் இடம்)



1. /i:/ - Front, unrounded vowel just below close
2. /ɪ/ - Front, unrounded vowel just above close
3. /e/ - Front unrounded vowel between half close and half open
4. /æ/ - Front unrounded vowel between half open and open
5. /ɑ:/ - Back open unrounded vowel
6. /ɒ/ - Back open rounded vowel below 1/2 open
7. /ɔ:/ - Back rounded vowel between 1/2 open and 1/2 close
8. /ʊ/ - Back close rounded vowel
9. /u:/ - Back rounded vowel just above half close
10. /ʌ/ - Central unrounded vowel just below half open
11. /ɜ:/ - Central unrounded vowel below half close and half open
12. /ə/ - Central unrounded vowel just below half open

### Diphthongs Articulation

Diphthongs are basically vowel sounds. A diphthong is a combination of two vowels. While articulating a diphthong, there is a glide from one vowel to another and hence diphthongs are also called as vowel glides. Diphthong is a combined vowel sound. Tongue changes its position while articulation of diphthongs from one position to another, pure vowels or monophthongs do not change their quality. Diphthong is considered as a single syllable.

There are eight diphthongs in English, which can be classified into three groups based on their endings: those ending in [ɪ], [ʊ], and [ə]. The /ɪ/ endings include /eɪ/, /aɪ/, and /ɔɪ/. The /ʊ/ endings consist of /əʊ/ and /aʊ/. Finally, the /ə/ endings are /ɪə/, /eə/, and /ʊə/. These diphthongs involve a transition from one vowel sound to another within a single syllable, giving them their distinctive sound quality.

### **The Syllable:**

The Unit that is higher than individual speech sound is the syllable. A word consists of one or more syllables. Diphthongs – Place of Articulation: /i/ ending diphthongs.

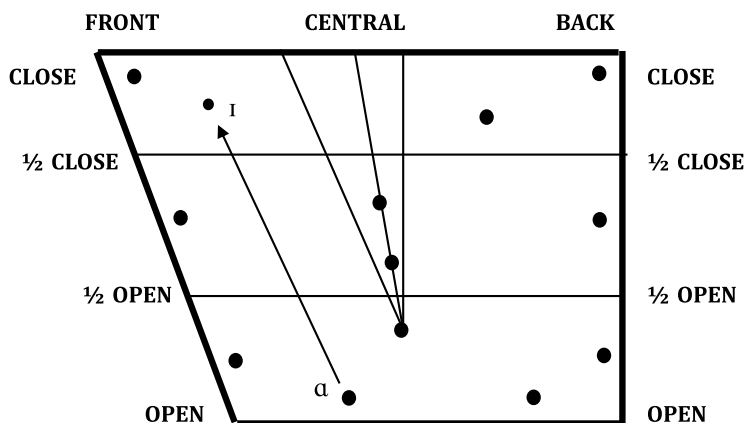
### **Articulation #1:**

From [ɑ] to [ɪ]: This articulation involves a smooth transition between two distinct vowel sounds, which is typical of a diphthong. Here's how the glide works:

[ɑ]: Starting with the open back unrounded vowel, your tongue is positioned low in the mouth and pulled back toward the throat. The mouth remains quite open, and the lips are relaxed.

[ɪ]: As you glide towards the close front unrounded vowel, your tongue moves up and forward to a higher position in the mouth. The lips spread slightly, and the mouth narrows compared to the [ɑ] sound.

This glide creates a dynamic sound change, where the vowel quality shifts smoothly from a low, open, and back position to a high, close, and front position. The transition is fluid, creating the characteristic movement of the diphthong and adding a subtle complexity to the vowel pronunciation. This articulation enhances the richness of spoken language, making it more expressive and nuanced.



Glide from [ɑ] (open back unrounded vowel) to [ɪ] (close front unrounded vowel): Move from a low and back position in the mouth to a high and front position, with lips spread as you articulate [ɪ].

## Articulation #2: Glide from [e] to [ɪ]

**From [e] to [ɪ]:** This articulation involves transitioning smoothly between the two vowel sounds, typical of a diphthong. Here's how the glide works:

**[e]:** Starting with the close-mid front unrounded vowel, your tongue is positioned relatively high in the mouth, closer to the front. The mouth is partially open, and the lips are unrounded and neutral.

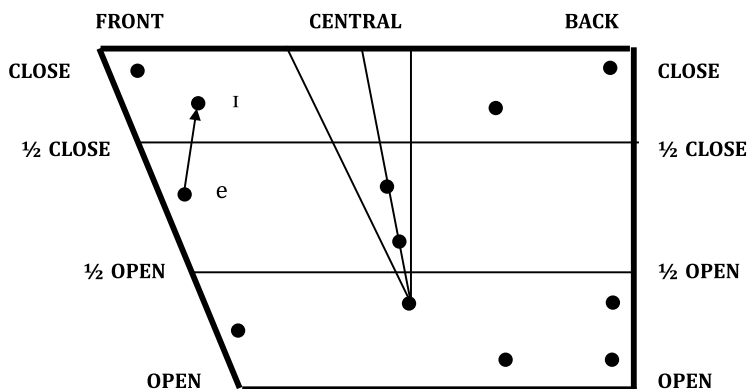
**[ɪ]:** As you glide towards the close front unrounded vowel, your tongue moves up and further forward to a higher position in the mouth. The lips spread slightly more, and the mouth narrows compared to the [e] sound.

This glide creates a dynamic sound change, where the vowel quality shifts smoothly from a close-mid and front position to a close and front position. The transition is fluid, adding a rich and complex quality to the vowel sound, characteristic of diphthongs.



This articulation enhances the expressiveness and subtlety of speech.

Glide from [e] (close-mid front unrounded vowel) to [ɪ] (close front unrounded vowel): Move from a close-mid and front position in the mouth, with lips spread as you articulate [e].



### Articulation #3: Glide from [ɔ] to [ɪ]

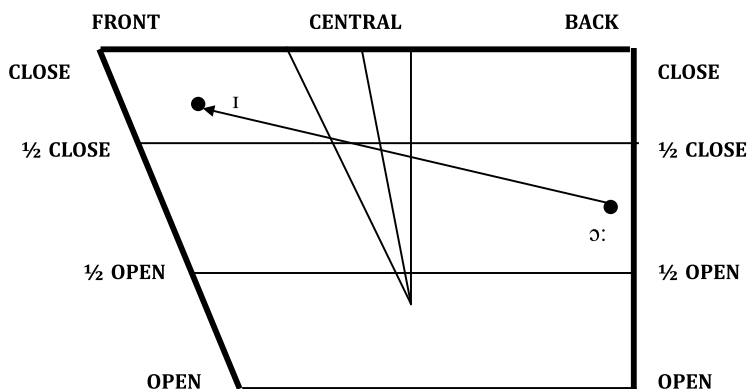
**From [ɔ] to [ɪ]:** This articulation involves a transition between two distinct vowel sounds. Here's how the glide works:

[ɔ]: Starting with the open-mid back rounded vowel, your tongue is positioned halfway between open and close at the back of the mouth, and your lips are rounded.

[ɪ]: As you glide towards the close front unrounded vowel, your tongue moves up and forward to a higher position in the mouth, and your lips spread slightly.

Glide just above the 1/2 open to just above 1/2 close unrounded front position, lips are spread.

Glide from [ɔ] (open-mid back rounded vowel) to [ɪ] (close front unrounded vowel): Move from just above the half-open position to just above the half-close unrounded front position, with lips spread as you articulate [ɪ].



#### Articulation #4:

Glide from a central unrounded vowel 1/2 open and 1/2 close to back rounded vowel just above 1/2 close positions.

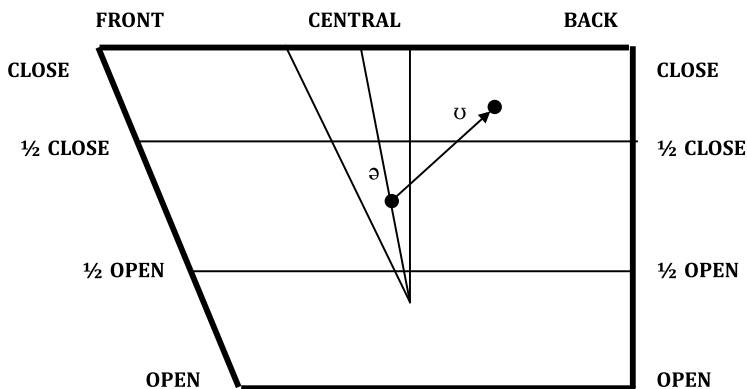
Glide from [ə] (central unrounded vowel, half-open and half-close) to [ʊ] (back rounded vowel just above half-close positions):

This articulation involves transitioning smoothly between the two vowel sounds. Here's how the glide works:

[ə]: Starting with the schwa sound, which is a central unrounded vowel positioned midway between open and close. The tongue is placed centrally in the mouth, and the lips are relaxed.

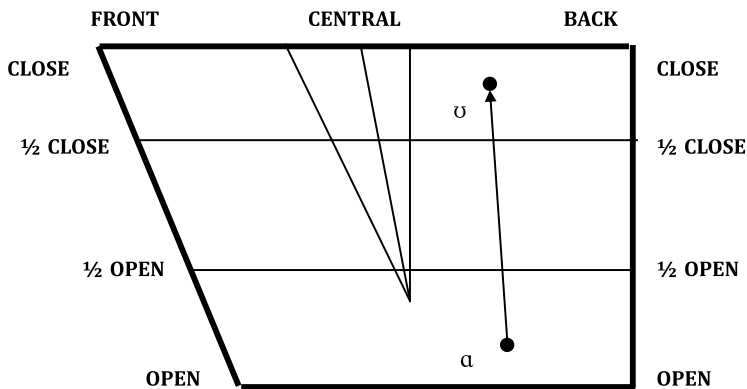
[ʊ]: As you glide towards the close back rounded vowel, your tongue moves upwards and backwards to a position just above half-close in the mouth. The lips round as you articulate [ʊ].

This movement creates a dynamic sound shift, transitioning from a neutral central vowel to a more specific back rounded vowel. This glide provides a rich and complex vocal quality characteristic of diphthongs.



**Articulation #5:**

**From a back rounded vowel between open and 1/2 open to a centralized front unrounded vowel just above 1/2 close position**



Glide from [ɑ] (back rounded vowel between open and half-open) to [ʊ] (centralized front unrounded vowel just above half-close position):

This articulation involves a smooth transition between these vowel sounds:

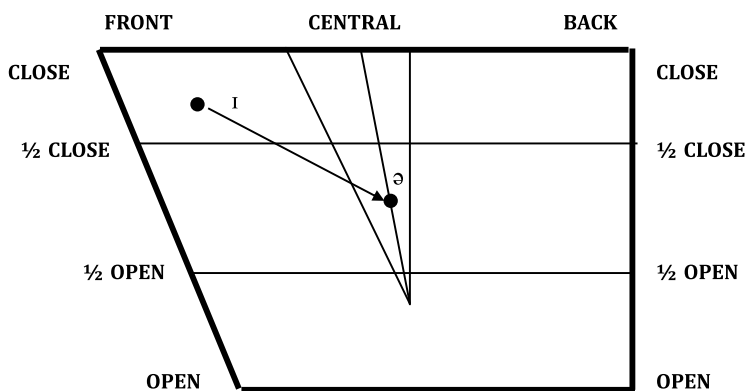
**[ɑ]:** Start with the back rounded vowel between open and half-open. The tongue is low and towards the back of the mouth, and the lips are rounded.

**[ɔ]:** Glide to the close back rounded vowel just above the half-close position. The tongue moves upwards and slightly forward, while the lips remain rounded.

This movement results in a dynamic sound shift, adding richness and complexity to the pronunciation, typical of diphthong articulation. The transition from the back, open position to the close, centralized position creates a unique and fluid vowel sound.

#### **Articulation #6: Glide from [ɪ] to [ə]**

Glide from a back open unrounded vowel to a back centralized rounded vowel just ½ close position.



Glide from [ɪ] (close front unrounded vowel) to [ə] (central unrounded vowel just above half-open):

This articulation involves transitioning smoothly between these vowel sounds:

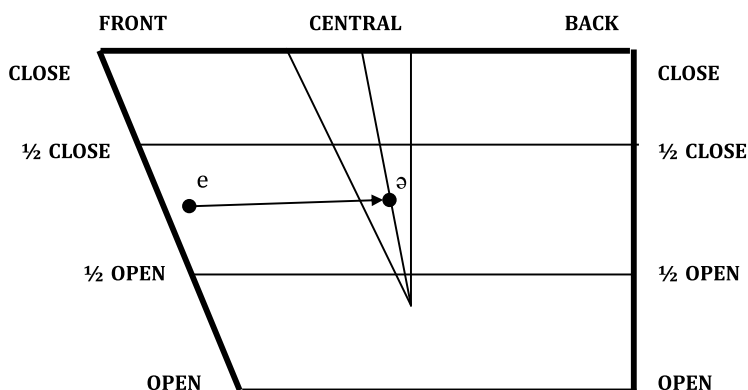
[ɪ]: Begin with the close front unrounded vowel. The tongue is positioned high and towards the front of the mouth, with the lips spread slightly.

[ə]: Glide to the central unrounded vowel, which is positioned centrally in the mouth just above the half-open position. The tongue moves back and downwards slightly, while the lips are relaxed.

This movement creates a dynamic sound shift, transitioning from a front, close position to a central, more open position. The glide adds fluidity and complexity to the vowel sound, characteristic of diphthong articulation.

### **Articulation#7: Glide from [e] to [ə]**

Glide with tongue position like for /i/ and moves in the direction of open centralized vowel below ½ open.



Glide from [e] (close-mid front unrounded vowel) to [ə] (central unrounded vowel just above half-open):

This articulation involves a smooth transition between these two vowel sounds:

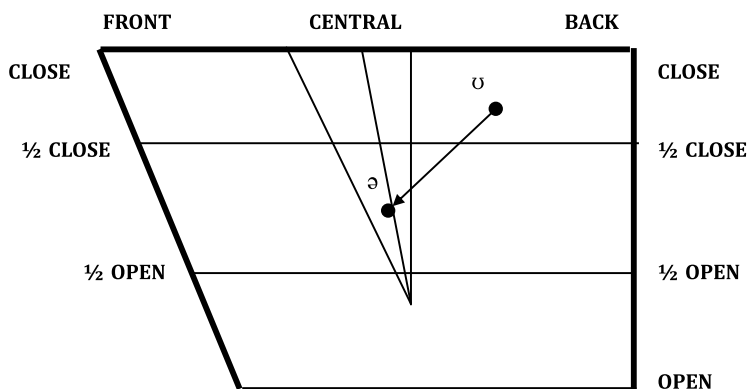
[e]: Start with the close-mid front unrounded vowel. The tongue is positioned relatively high and towards the front of the mouth, with the lips unrounded and neutral.

[ə]: Glide towards the central unrounded vowel, positioned centrally in the mouth just above the half-open position. The tongue moves back and downwards slightly, relaxing the mouth.

This movement results in a dynamic sound shift, transitioning from a front, close-mid position to a central, more open position. The glide provides a fluid and complex quality to the vowel sound, enhancing the expressiveness and subtleness of speech.

### Articulation #8: Glide from [ʊ] to [ə]

Glide from just below  $\frac{1}{2}$  close unrounded vowel centralized open unrounded vowel just below  $\frac{1}{2}$ .



Glide from [ʊ] (just below half-close back rounded vowel) to [ə] (centralized open unrounded vowel just below half-open):

This articulation involves transitioning smoothly between these vowel sounds:

[ʊ]: Start with the close back rounded vowel just below half-close. The tongue is positioned high and towards the back of the mouth, with the lips rounded.

[ə]: Glide towards the central unrounded vowel, positioned centrally in the mouth just below the half-open position. The tongue moves slightly downwards and forwards, and the lips relax.

This movement results in a dynamic sound shift, transitioning from a high, back position to a more open, central position. The glide adds fluidity and complexity to the vowel sound, typical of diphthong articulation.

### **Overview of Diphthong Articulations**

#### **Articulation #1: Glide from [ɑ] to [ɪ]**

Glide from [ɑ] (open back unrounded vowel) to [ɪ] (close front unrounded vowel): Move from a low and back position in the mouth to a high and front position, with lips spread as you articulate [ɪ].

#### **Articulation #2: Glide from [e] to [ɪ]**

Glide from [e] (close-mid front unrounded vowel) to [ɪ] (close front unrounded vowel): Move from a close-mid and front position to a high and front position in the mouth, with lips spread as you articulate [ɪ].

#### **Articulation #3: Glide from [ɔ] to [ɪ]**

Glide from [ɔ] (open-mid back rounded vowel) to [ɪ] (close front unrounded vowel): Move from just above the half-open position to just above the half-close unrounded front position, with lips spread as you articulate [ɪ].

#### **Articulation #4: Glide from [ə] to [ʊ]**

Glide from [ə] (central unrounded vowel, half-open and half-close) to [ʊ] (close back rounded vowel just above half-close positions): Transition smoothly from a neutral central vowel to a more specific back rounded vowel.

### **Articulation #5: Glide from [ɑ] to [ʊ]**

Glide from [ɑ] (open back unrounded vowel) to [ʊ] (close back rounded vowel just above half-close position): Move from a low, back position to a high, back position, with lips rounded.

### **Articulation #6: Glide from [ɪ] to [ə]**

Glide from [ɪ] (close front unrounded vowel) to [ə] (central unrounded vowel just above half-open): Transition from a high, front position to a more open, central position, with lips relaxed.

### **Articulation #7: Glide from [e] to [ə]**

Glide from [e] (close-mid front unrounded vowel) to [ə] (central unrounded vowel just above half-open): Move from a relatively high, front position to a central, more open position, relaxing the mouth.

### **Articulation #8: Glide from [ʊ] to [ə]**

Glide from [ʊ] (close back rounded vowel just below half-close) to [ə] (central unrounded vowel just below half-open): Transition from a high, back position to a more open, central position, with lips relaxed.

Glide (ஏறு) from [ʊ] (close back rounded vowel just below half-close) to [ə] (central unrounded vowel just below half-open):

**Initial Position:** Lips are rounded at the beginning of the glide, with the tongue in the close back position just below half-close.

**Transition:** As the glide proceeds towards [ə], the lips gradually spread, and the tongue moves towards a central position.

**Final Position:** The articulation ends with the centralized back vowel, just below half-open, and the lips unrounded.



The glide from [ʊ] to [ə] can be expressed in Tamil as "உ" (u) transitioning to "அ" (a). In phonetic terms, this glide reflects a movement from a rounded vowel sound to a central unrounded vowel sound.

“உ” (u) வில் இருந்து “அ” (a) வுக்கு மென்மையாக மாறுகிறது. In the context of phonetics, "glide" can mean a smooth change or transition between two different vowel sounds within the same syllable. It's about moving from one tongue position to another in a continuous, fluid motion, creating a dynamic sound characteristic of diphthongs. This smooth transition adds complexity and richness to the vowel sound, making it more expressive.

In the context of phonetics, a "glide" refers to a smooth transition between two different vowel sounds within the same syllable. மொழியியலில், "மென்மையான மாற்றம் (glide)" என்பது ஒரே சொற்றொடரில் இரண்டு வேறு உயிர்மொழி ஒலிகளுக்கு இடையிலான மென்மையான மாற்றம் அல்லது மாறுதல் ஆகும். இது ஒரு மொழி நிலைமையிலிருந்து மற்றொன்றுக்கு தொடர்ச்சியான, மென்மையான இயக்கத்தில் நகர்வதைப் பற்றியது, டிப்தாங்க்கள் (இரட்டை கலவை ஒலிகள்) எனப்படும் மாறுபட்ட ஒலியை உருவாக்குகிறது. இந்த மென்மையான மாறுதல் உயிர்மொழி ஒலியைச் சிக்கலாகவும் கலவையாகவும் வளமாகவும் ஆக்கி, அதை வெளிப்படுத்தத்தக்கதாக ஆக்குகிறது.

மென்மையான மாற்றம் (glide) ஒரே சொற்றொடரின் இரண்டு உயிர்மொழி ஒலிகளுக்கு இடையே மென்மையான மாற்றம். இரண்டு வேறு உயிர்மொழி ஒலிகளுக்கு இடையே முன்னேறல். ஒரே சொற்றொடரிலிருந்து மாற்றம் அடைவதன் மூலம் உச்சரிப்பு. மென்மையான மாற்றம் உயிர்மொழியில் கலவையை உருவாக்கும். சொற்றொடரின் ஒட்டத்தை மாற்றி ஒலியின் பண்புகளை மேலும் வளமாக்கும். இரண்டு உயிர்மொழி ஒலிகளுக்கும் இடையில் மென்மையான மாறுதல். டிப்தாங்க்களை (இரட்டை கலவை ஒலிகள்) உருவாக்கும் மென்மையான மொழி (உச்சரிப்பு) மாற்றம். சொற்றொடரில் உயிர்மொழி கலவை மென்மையான இயக்கத்தை பெறுகிறது.

**இரட்டை கலவை ஒலிகள்:** This term conveys the idea of two vowel sounds blending together smoothly within the same syllable to form a complex sound.

மென்மையான (Menmaiya) - Smooth

மாற்றம் (Maatram) - Change/Transition

உயிர்மொழி (Uyirmozhi) - Vowel Sound

சொற்றொடர் (Sotrthodar) - Syllable

### **Example 1: One-Syllable Words**

மண் (Man) - Earth

நிலா (Moon) - Moon

கண் (Kan) - Eye

### **Example 2: Two-Syllable Words**

மருந்து (Marunthu) - Medicine

மறு (Ma) - First syllable

ந்து (run) - Second syllable

நேற்று (Netru) - Yesterday

நே (Ne) - First syllable

ற்று (tru) - Second syllable

பயிற்சி (Payirchi) - Training

பயி (Pa) - First syllable

ற்சி (yirchi) - Second syllable

### **Example 3: Three-Syllable Words**

அழகிய (Azhagiya) - Beautiful

அ (A) - First syllable

ழ (zha) - Second syllable

கி (gi) - Third syllable

ய (ya) - Fourth syllable

கல்வி (Kalvi) - Education

கல் (Kal) - First syllable

வி (vi) - Second syllable

### **One-Syllable Word:**

**Man:** m-an

### **Two-Syllable Words:**

Medicine: med-i-cine

Yesterday: yes-ter-day

Training: train-ing

### **Three-Syllable Words:**

Beautiful: beau-ti-ful

Education: ed-u-ca-tion

These examples demonstrate how words can be divided into smaller units called syllables, helping with pronunciation and understanding the structure of words.

### **Another Explanation:**

In linguistics, a "glide" refers to a smooth change or transition between two different vowel sounds within the same syllable. It involves moving continuously and smoothly from one articulatory position to another, creating what is known as diphthongs (double blended sounds). This smooth transition adds complexity and richness to the vowel sound, making it more expressive and nuanced.

மொழியியலில் "மென்மையான மாற்றம் (glide)" என்பது ஒரே சொற்றொடரில் இரண்டு வேறு உயிர்மொழி ஒலிகளுக்கு இடையிலான மென்மையான மாற்றம் அல்லது மாறுதல் ஆகும். இது ஒரு மொழி நிலைமையிலிருந்து மற்றொன்றுக்கு தொடர்ச்சியான, மென்மையான இயக்கத்தில் நகர்வதைப் பற்றியது, டிப்தாங்க்கள் (இரட்டை கலவை ஒலிகள்) எனப்படும் மாறுபட்ட ஒலியை உருவாக்குகிறது.

இந்த மென்மையான மாறுதல் உயிர்மொழி ஒலியைச் சிக்கலாகவும் கலவையாகவும் வளமாகவும் ஆக்கி, அதை வெளிப்படுத்தத்தக்கதாக ஆக்குகிறது.

## CONSONANTS

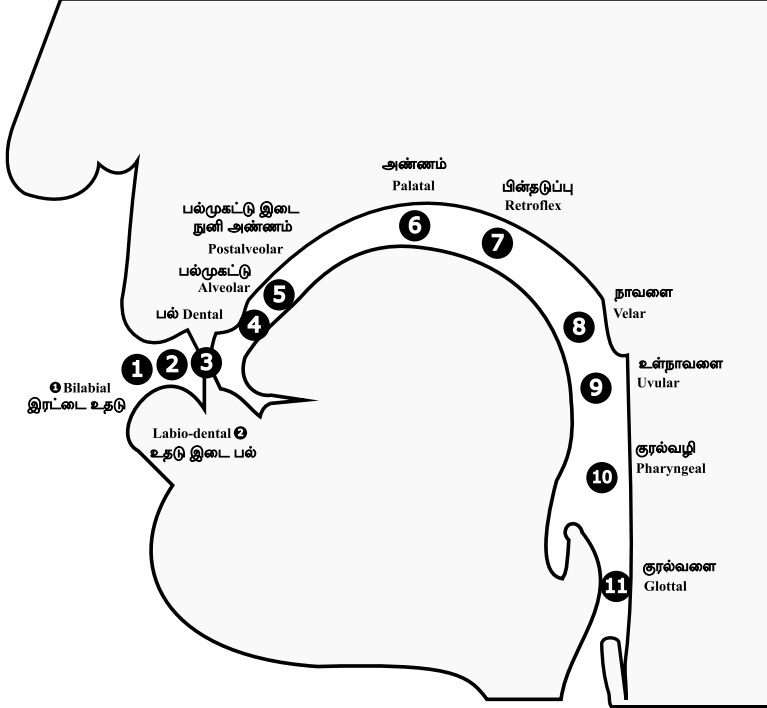


Figure #15: Detailed Diagram of Mouth Parts with Tamil Terms

Consonant sounds are articulated through active and passive articulators.

/b, d, g, v, z, ʒ, l, r, j, w, m, n, ŋ, dʒ, ð, p, t, k, f, s, h, ʃ, ʒ, θ/

**Articulator** (அசையும் உறுப்புகள், ஒளிப்பான்கள்): In phonetics, an articulator refers to the parts of the vocal tract that are involved in producing speech sounds. These can be either active (moving) or passive (stationary).

## 1. Active Articulators (இயங்கு அல்லது அசையும் ஒலிப்பான்கள்):

Low lip and the tongue, blade, front and back of the tongue.

**Definition:** An articulator in phonetics is a part of the vocal tract that is involved in the production of speech sounds. These can be active (moving) or passive (stationary).

### Active Articulators (அசையும் உரைப்பான்கள்):

நாக்கு (Naakku) - Tongue

மூக்கு (Mookku) - Nose

உதடு (Udhadu) - Lips

நாக்கின் முனை (Naakkin Munai) - Tip of the Tongue

நாக்கின் பின்னால் (Naakkin Pinnal) - Back of the Tongue

அடிநாக்கு (Adinaakku) - Root of the Tongue

Active articulators refer to the parts of the vocal tract that move to create speech sounds. These moving parts include the tongue, lips, and other organs that adjust their positions to produce different sounds.

இப்போது நாம் Passive Articulation என்றால் என்னவென்று பார்ப்போம்.

## 2. Passive Articulation:

Upper lip, the upper teeth and the entire roof of the mouth i.e., teeth ridge, the hard palate and the soft palate are considered as passive articulations.

### Passive Articulators (நிலையான உரைப்பான்கள்):

Passive articulators are the stationary parts of the vocal tract that do not move during speech production.

### Examples:

மேல் பற்கள் (Mel Parkal) - Upper Teeth

மேல் உதடு (Mel Udhadu) - Upper Lip

வாய் முகம் (Vaai Mugam) - Oral Cavity Roof  
தொளையாறு (Tholayaaru) - Hard Palate  
மெலிவாய் (Melivaai) - Soft Palate

For example, when producing the [t] sound, the tip of the tongue (an active articulator) touches the upper teeth ridge (a passive articulator).

The upper lip can indeed move. It is involved in speech production, but it is less mobile compared to the lower lip. In phonetics, the upper lip is typically considered a passive articulator when it serves as a stable surface against which the lower lip (an active articulator) moves to produce sounds like [p], [b], and [m].

However, the upper lip can also participate actively in creating certain sounds, especially when producing labial (lip-related) sounds, but in most articulatory processes, it plays a more passive role compared to the lower lip.

The upper lip is classified as a passive articulator. It does not move independently; rather, it serves as a point of contact for the active articulator (usually the lower lip or the tongue) during the production of certain sounds.

**For example:**

In the production of the bilabial sound's /p/ and /b/, both lips (active articulation from the lower lip coming up to the upper lip) come together to block airflow and then release it.

In the production of labiodental sounds like /f/ and /v/, the lower lip (active articulator) touches the upper lip (passive articulator) to create the sound.

Consonants are briefly described using a 3-term label. They are

1. The state of the glottis whether the sounds is voiced or voiceless.  
ஒலி ஒலிக்கப்பட்டதா அல்லது குரலற்றதா என்பது குரல்வளைநிலைக்கு ஏற்றது.

2. The place of articulation (ஒலிப்பு இடம்) and

3. The manner of articulation (ஒலிப்பு விதம்)

### **The State Position of the Glottis:**

Consonants are called as voiced or voiceless depending on the state of the glottis while articulating them. While breathing, the vocal cords are kept wide apart and in that state some sounds are produced. At times vibrations occur in the vocal cords while articulating certain consonants. So, consonants are termed as voiced or voiceless depending on the state of glottis at the time of articulation.

மெய் எழுத்துகள் குரல்வளைநிலையின் நிலையில் சொல்கின்ற போது ஒலித்தோடு அல்லது குரலற்றதென்று அழைக்கப்படுகின்றன. மூச்சு விடும் போது, குரல்வளை பரந்த நிலையில் வைக்கப்படும் மற்றும் அந்த நிலையில் சில ஒலிகள் உற்பத்தி செய்யப்படும். சில மெய் எழுத்துகளை சொல்வதற்குள் குரல்வளை தாளங்களில் அதிர்வுகள் நிகழ்கின்றன. அதனால், ஒலிக்கும் (ஒலிப்பு) நேரத்தில் குரல்வளையின் நிலையைப் பொறுத்து, மெய் எழுத்துகள் ஒலியுடனோ அல்லது குரலற்றதென்றோ வகைப்படுத்தப்படும்.

The glottis is the space between the vocal cords in the larynx. The state of the glottis determines whether a sound is voiced or voiceless.

குரல்வளை என்பது குரல்தண்டு உள்ள குரல்வளை நாண்கள் இடையிலான இடமாகும். குரல்வளையின் நிலை ஒலி ஓசையுடனோ குரலற்றதோ என்பதைத் தீர்மானிக்கிறது.

### **Voiceless or Breathed Consonants:**

/p, t, k, f, s, h, tʃ, j, θ/ are called as **voiceless consonants** because the vocal cord are wide apart and do not vibrate while articulating or producing the sound.

When we breathe in and out, the vocal is drawn wide apart and the glottis is open. If the vocal cords are wide apart and the glottis is open

while articulation, the sounds produced are called voiceless or breathed sounds as this is the position of the glottis for breathing.

When the vocal cords are apart and do not vibrate, the sound produced is called a voiceless sound.

Example: The sound /s/ in "snake". If you place your hand on your throat while pronouncing the /s/ sound, you won't feel any vibration.

### **Voiced Consonants:**

**/b, d, g, v, z, ʒ, l, r, j, w, m, n, ŋ, dʒ, ð/** are **voiced consonants** which while articulation produce vibration in the vocal cords are loosely held together and the pressure of the air from lungs makes them open. A close rapidly while articulation making the vocal cords vibrate and so such sounds are called as voiced consonants.

When the vocal cords are close together and vibrate as air passes through them, the sound produced is called a voiced sound.

Example: The sound /z/ in "zebra". You can feel the vibration if you place your hand on your throat while pronouncing the /z/ sound.

**Example:** Consider the difference between the English consonant's /b/ and /p/:

**/b/:** This is a voiced sound. When you pronounce /b/ as in the word "bat," the vocal cords vibrate.

**/p/:** This is a voiceless sound. When you pronounce /p/ as in the word "pat," the vocal cords do not vibrate.

### **Practical Exercise:**

To experience this, place your fingers lightly on your throat while saying the sounds "zzzz" (as in "buzz") and "ssss" (as in "hiss"). Notice the vibration with "zzzz" (voiced) and the lack of vibration with "ssss" (voiceless).



### **Place of Articulation (ஒலிப்பிடம்):**

Here the consonants are divided and categorized based on the place of articulation. Only 2 articulators are involved in the production of a consonant in this category (articulators).

#### **(a) Bilabial (இரட்டை உதடு) – /p, b, m/**

The upper lip and the lower lip are the articulators. Examples are “Pan,” “Ban,” and “Man.”

#### **(b) Labio-dental (உதடு இடை பல்) – /f, v/**

The active articulator is the lower lip and passive articulators are the upper front teeth are the passive articulators. Initial sounds in “fan,” “van.”

#### **(c) Dental (பல்) – /θ, ð/**

The tip of the tongue is the active articulator and the upper front teeth are the passive articulators. Initial sounds in English words like “thin,” “then” are examples.

#### **(d) Alveolar (பல்முகட்டு) – /t, d, n, s, z/**

The tip or the blade of the tongue is the active articulator and the teeth ridge is the passive articulator e.g., in words like “tin,” “din,” “sin,” “zip,” “near” etc. The alveolar ridge (பற்குழி - Parkuzhi) is a bumpy ridge located just behind the upper front teeth.

அண்ணத்தின் நுனி directly refers to the tip of the palate or front part of the palate.

Alveolar sounds are produced when the tip of the tongue (நுனிநாக்கு) touches or comes close to the alveolar ridge (பற்குழி).

**Location:** The alveolar ridge is located just behind the upper front teeth.

**Examples:** /t/, /d/, /n/, /s/, /z/

**(e) Post-Alveolar (பல்முகட்டு இடை நுனி அண்ணம்) – /r/**

The tip of the tongue is the active articulator and the part of the roof of the mouth that lies immediately behind the teeth ridge is the passive articulator. The sound represented by the letter /r/ in the words “try” and “dry” are examples.

Post-alveolar sounds are produced in the area just behind the alveolar ridge and towards the hard palate. These sounds are articulated with the tongue positioned between the alveolar ridge and the hard palate. Location: Post-alveolar sounds are located between the alveolar ridge and the palatal region.

**Location:** Post-alveolar sounds are located between the alveolar ridge and the palatal region.

**(f) Palato-Alveolar (பல்முகட்டு நுனி அண்ணம்) – /ʃ, ʒ, ʒ, dʒ/**

The tip of the tongue or the tip and blade of the tongue is/are the active articulator (s) and the teeth ridge is the passive articulator (s). Simultaneously the front of the tongue is raised in the direction of the hard palate.

Sheep, Cheap, Leave, etc. are the examples of palate-alveolar sounds.

The term பற்குழி (Parkuzhi) refers to the alveolar ridge, which is the bumpy ridge located just behind the upper front teeth and is involved in the articulation of certain speech sounds.

**அண்ணம் (Annam)** refers to the palate in Tamil. The palate is the roof of the mouth and is divided into two main parts:

**கடின அண்ணம் (Hard Palate):** The bony front part of the roof of the mouth.

**மென்மையான அண்ணம் (Soft Palate):** The softer, muscular back part of the roof of the mouth.

These sounds are produced with the tongue making contact or approaching the area just behind the alveolar ridge and towards the hard palate.

**Location:** These sounds are articulated between the alveolar ridge and the palatal region.

**(g) Retroflex (பிந்தடுப்பு) – /t, d/**

The curled back tip of the tongue is the active articulator and hind part of the teeth ridge or the hard palate is the passive articulator.

**Examples of retroflex consonants** are “tin,” “din.”

**Retro:** This prefix means "back" or "behind". It signifies that the tongue is curled back.

**Flex:** This part refers to the action of bending or curling.

So, Retroflex sounds are those where the tongue is curled back towards the hard palate or slightly towards the back of the mouth.

In Tamil, Retroflex is known as பிந்தடுப்பு (Pindaduppu).

**(h) Palatal (அண்ணம்) – /j/**

The front of the tongue is the active articulator and the hard palate is the passive articulator. The initial sound in the word “yes” is one.

**(i) Velar (நாவளை) – /k, g/**

The back of the tongue is the active articulator and the soft palate is the passive articulator. The final sound in the English words “sink,” “sing” are examples.

**(j) Glottal (குரல்வளை) – /h/**

Glottal sounds (குரல்வளை ஒலிகள்) are produced at the glottis (the tract between the vocal cords and the two vocal cords) are the articulators. Example is “hen.”

## Remaining Sounds

**Uvular:** உள்நாவளை - These sounds are produced with the back of the tongue against or near the uvula.

### Examples and Practice:

**/ʀ/:** This is a voiced uvular trill, similar to the rolled "r" sound found in some dialects of French.

**Practice:** Try saying "rouge" with a strong rolling "r." **/q/:** This is a voiceless uvular plosive, similar to the Arabic sound "ق" (qāf).

**Practice:** Try saying "Qatar" with a strong emphasis on the "q" sound.

### Exercise:

For **/ʀ/:** Place the back of your tongue near the uvula and create a trilling sound by passing air through your vocal cords. Imagine you're rolling an "r" sound but deeper in your throat.

For **/q/:** Start with the back of your tongue against your uvula, then release it to produce a sharp, popping sound.

**Pharyngeal:** குரல்வழி (Kuralvali) - These sounds are produced in the pharynx, the area of the throat behind the mouth and nasal cavity.

### Example and Practice:

**/ħ/:** This is a voiceless pharyngeal fricative, similar to the Arabic sound "ح" (ḥāʾ).

**Practice:** Try producing a strong, breathy "h" sound deep in your throat, like in the Arabic word "حب" (ḥubb), meaning "love".

**/ʕ/:** This is a voiced pharyngeal fricative, similar to the Arabic sound "ع" (ʿayn).

**Practice:** Produce a voiced, constricted sound deep in your throat, like in the Arabic word "عرب" (ʿarab), meaning "Arab".

### Exercise:

**For /h/:** Constrict the pharyngeal space while pushing air out to create a strong friction sound.

**For /ʕ/:** Engage your vocal cords and constrict the pharyngeal space to produce a resonant sound.

### Words of Mouth Parts and Their Tamil Equivalents

1. Bilabial (இரட்டை உதடு) – /p, b, m/
2. Labio-dental (உதடு இடை பல்) – /f, v/
3. Dental (பல்) – /θ, ð/
4. Alveolar (பல்முகட்டு) – /t, d, n, s, z/
5. Post-Alveolar (பல் முகட்டு பின் நுனி) – /r/
6. Palato-Alveolar (பல்முகட்டு நுனி அண்ணம்) – /ʃ, ʒ, ʒ, dʒ/
7. Retroflex (பின்தடுப்பு (பின்தடுப்பான்) – /ʈ, ɖ, ɳ/
8. Palatal (அண்ணம்) – /j/
9. Velar (நாவளை) – /k, g/
10. Uvular (உள்நாவளை) – /R, q/
11. Pharyngeal (குரல்வழி) – /ħ, ʕ/
12. Glottal (குரல்வளை) – /h/

Simple Definitions for each category of sounds:

#### 1. Bilabial (இரட்டை உதடு)

Articulation: Sounds produced with both lips.

**Examples:** /p/, /b/, /m/

#### 2. Labio-Dental (உதடு இடை பல்)

Articulation: Sounds produced with the lower lip and the upper front teeth.

**Examples:** /f/, /v/

### 3. Dental (பல்)

Articulation: Sounds produced with the tongue against the teeth.

**Examples:** /θ/, /ð/

### 4. Alveolar (பல்முகட்டு)

Articulation: Sounds produced with the tip or blade of the tongue against the alveolar ridge.

**Examples:** /t/, /d/, /n/, /s/, /z/

### 5. Post-Alveolar (பல்முகட்டு இடை நுனி அண்ணம் ஒலி)

Articulation: Sounds produced just behind the alveolar ridge and towards the hard palate.

**Example:** /r/

### 6. Palato-Alveolar (பல்முகட்டு நுனி அண்ணம்)

Articulation: Sounds produced with the tongue approaching the area just behind the alveolar ridge and towards the hard palate.

**Examples:** /ʃ/, /ʒ/, /tʃ/, /dʒ/

### 7. Retroflex (பிந்தடுப்பு)

Articulation: Sounds produced with the tip of the tongue curled back towards the hard palate.

**Examples:** /ɻ/, /ɻ/, /ɻ/

## 8. Palatal (அண்ணம்)

Articulation: Sounds produced with the front of the tongue against the hard palate.

**Example:** /j/

## 9. Velar (நாவளை)

Articulation: Sounds produced with the back of the tongue against or near the soft palate (velum).

**Examples:** /k/, /g/

## 10. Uvular (உள்நாவளை)

Articulation: Sounds produced with the back of the tongue against or near the uvula.

**Examples:** /R/, /q/

## 11. Pharyngeal (குரல்வழி)

Articulation: Sounds produced in the pharynx.

**Examples:** /ħ/, /ʕ/

## 12. Glottal (குரல்வளை)

Articulation: Sounds produced using the vocal cords.

**Example:** /h/

## MANNER OF ARTICULATION

The seven manners of articulation:

- (1) Plosives (வெடிப்பு ஒலி)
- (2) Affricates (அடைப்பு ஒலி)
- (3) Fricatives (உரைசல் அல்லது உராய்வு ஒலி)
- (4) Nasals (மூக்கு ஒலி)
- (5) Lateral (பக்கவாட்டு ஒலி)
- (6) Semi-Vowels (Approximants) (அரை உயிர் ஒலி)
- (7) Frictionless Continuant (உராய்வு அற்ற அல்லது இல்லாத தொடர் ஒலி)

### Manners of Articulation with Definitions and Tamil Terms:

#### 1. Plosives (வெடிப்பு ஒலி): /p, b, t, d, k, g/

**Definition:** The active and passive articulators come into contact with each other, forming a structure of complete closure, preventing air from escaping from the mouth. The soft palate is raised, the nasal passage is blocked, and air pressure builds up. When the active articulator is suddenly removed, air is released with a plosive sound – explosively.

**Examples:** /p/ as in "pat," /b/ as in "bat," /t/ as in "tap," /d/ as in "dip," /k/ as in "kit," /g/ as in "go"

**Stop Consonants:** Plosives are called stop consonants because the breath is completely stopped at some point in the mouth by the lips or tongue and then released with a slight explosion.

#### 2. Affricates (அடைப்பு ஒலி): /tʃ, dʒ/

**Definition:** If the active articulators are closed and the air pressure behind the oral closure builds up and is released slowly, we get an affricate. A combination of a plosive followed by a fricative, with a slower release of air.

**Examples:** /tʃ/ as in "chase," /dʒ/ as in "judge"



**Stop Consonants:** Affricates are also considered stop consonants due to the complete stop of breath at some point in the mouth before a slight explosion.

### 3. Nasals (மூக்கு ஒலி): /m, n, ŋ/

**Definition:** The soft palate is lowered, allowing air to escape through the nose while the mouth remains closed, producing a nasal consonant.

**Examples:** /m/ as in "man," /n/ as in "nap," /ŋ/ as in "sing"

### 4. Intermittent Closure:

Frictionless Continuant /ɹ/

**Definition:** The active articulator strikes against the passive articulator only once (Flap) or several times (Roller/Trill), creating a series of rapid, repeated closures and releases.

**Examples:** /ɾ/ as in "very" (flap), /r/ in "red" (roller/trill)

### 5. Partial Closure:

Lateral (பக்கவாட்டு ஒலி): /l/

**Definition:** Though the center of the vocal tract is completely closed, air-stream escapes without friction on the sides.

**Examples:** /l/ as in "leave"

### 6. Narrowing:

**Fricatives (உரசல் அல்லது உராய்வு ஒலி):** /f, v, s, z, ʃ, h, θ, ð, ʒ/

**Definition:** The active articulator is brought close to the passive articulator to create a narrow gap. When air is pushed through this gap with an audible friction, fricatives are produced. A fricative is also called a friction consonant.

**Examples:** /f/ as in "fan," /v/ as in "van," /s/ as in "sand," /z/ as in "zip," /ʃ/ as in "sheep," /ʒ/ as in "measure," /h/ as in "hat," /θ/ as in "think," /ð/ as in "this"

## 7. Semi-Vowels (Approximants) (அரை உயிர் ஒலி): /j, w/

**Definition:** A semi-vowel is a vowel glide that functions as a consonant and is included in the consonantal category on functional grounds.

**Examples:** /j/ as in "yes," /w/ as in "what"

## ACCENT, RHYTHM AND INTONATION

1. **Accent/Stress (அழுத்தம்):** Accent or stress in phonetics means expending extra breath on a particular syllable in a word. It is a matter of greater prominence and greater audibility.

For instance, consider the words 'career' /kəˈrɪə/ and 'carrier' /kæˈrɪə/. In the word 'career' /kəˈrɪə/, the accent is on the second syllable, and in the word 'carrier' /kæˈrɪə/, the accent is on the first syllable. The mark (') on the top of a syllable in a word indicates that the particular syllable is stressed. This is known as primary stress.

2. **Rhythm (ஒசை):** Rhythm in phonetics is the speed and cadence of how you say a sentence. Some beginner students might say each word in a sentence at the same speed and sound a little like a robot. Developing different speeds and knowing when to slow down and speed up can give your spoken English more interest.

3. **Intonation (துடிப்பு):** Intonation is considered the 'music' of the language. Questions can be asked with a rising intonation, where the pitch goes up. For example, 'John's still on holiday?' said with a rising pitch means the statement is a question which needs answering. If the phrase is said without a rising intonation, it's information that you already know and may just need confirmation on.

## Speech sounds chart

பேச்சு ஒலிகள் விளக்கப்படம்

British vowels							
single vowels				diphthongs			
i	i:	ʊ	u:	eɪ	ɔɪ	aɪ	
ship	sheep	book	shoot	wait	coin	like	
e	ɜ:	ə	ɔ:	eə	ɪə	ʊə	
left	her	teacher	door	hair	here	tourist	
æ	ʌ	ɒ	ɑ:	əʊ	aʊ		
hat	up	on	far	show	mouth		

unvoiced consonants							
p	f	θ	t	s	ʃ	tʃ	k
pea	free	thing	tree	see	sheep	cheese	coin
voiced consonants							
b	v	ð	d	z	ʒ	dʒ	g
boat	video	this	dog	zoo	television	joke	go
m	n	ŋ	h	w	l	r	j
mouse	now	thing	hope	we	love	run	you

## **Example of Transcriptions**

### **1. PAN / PAIN:**

**PAN:** /pæn/

**PAIN:** /peɪn/

### **2. BEST / PEST:**

**BEST:** /best/

**PEST:** /pest/

### **3. SUE / ZOO:**

**SUE:** /su:/

**ZOO:** /zu:/

### **4. DOWN / TOWN:**

**DOWN:** /daʊn/

**TOWN:** /taʊn/

### **5. SEAT / SET:**

**SEAT:** /si:t/

**SET:** /set/

### **6. CARROT / CABBAGE:**

**CARROT:** /'kærət/

**CABBAGE:** /'kæbɪdʒ/

### **7. FEW / VIEW / WINE:**

**FEW:** /fju:/

**VIEW:** /vju:/

### **8. WINE: /waɪn/**

#### **CAP / GAP / HAT:**

**CAP:** /kæp/

**GAP:** /gæp/

**HAT:** /hæt/

### **9. YEAR:**

**YEAR:** /jɪr/

## 10. Phonetic Test Recap:

**PAN:** /pæn/

**PAIN:** /peɪn/

**BEST:** /best/

**PEST:** /pest/

**SUE:** /su:/

**ZOO:** /zu:/

**DOWN:** /daʊn/

**TOWN:** /taʊn/

**SEAT:** /si:t/

**SET:** /set/

**CARROT:** /'kærət/

**CABBAGE:** /'kæbɪdʒ/

**FEW:** /fju:/

**VIEW:** /vju:/

**WINE:** /waɪn/

**CAP:** /kæp/

**GAP:** /gæp/

**HAT:** /hæt/

**YEAR:** /jɪr/

## 11. TIME / TJM:

**TIME:** /taɪm/

**TJM:** Not a recognized word

## 12. SHEEP / JEEP / CHEAP:

**SHEEP:** /ʃi:p/

**JEEP:** /dʒi:p/

**CHEAP:** /tʃi:p/

## 13. COLLECT / CORRECT:

**COLLECT:** /kə'lekt/

**CORRECT:** /kə'rekt/

## 14. BARS / BAR:

**BARS:** /barz/

**BAR:** /bar/

**15. SOME / SUN / SUNG:**

**SOME:** /sʌm/

**SUN:** /sʌn/

**SUNG:** /sʌŋ/

**16. COAT / COT:**

**COAT:** /koʊt/

**COT:** /kʌt/

**17. BREATHE / BREATH:**

**BREATHE:** /bri:ð/

**BREATH:** /breθ/

**18. BUN / BULL / BOON:**

**BUN:** /bʌn/

**BULL:** /bʊl/

**BOON:** /bun/

**19. SHIRT / SHORT:**

**SHIRT:** /ʃɜrt/

**SHORT:** /ʃɔrt/

**20. COY / BOY / COW:**

**COY:** /kɔɪ/

**BOY:** /bɔɪ/

**COW**

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## 2.7. Language Acquisition: Uses and Problems: (மொழி கற்றல் (பெறுதல்): பயன்கள் மற்றும் சிக்கல்கள்:)

### An Analysis of the Lack of Language Acquisition

In Tamil Nadu or India, students are learning English without studying phonetics or linguistics. This is a major drawback in acquiring language proficiency. Around 200X, when I was a second-grade student, children were not properly learning English grammar. Without knowing the grammar and meaning of English, we wrote exams. This is the reality as well. It is their duty to properly and fluently teach English. However, it is very difficult in a non-native English environment. There is no proper language planning in India. We need to accept this fact first.

Learning a language is an art. One cannot suddenly acquire this knowledge; it requires many steps and years of training to become a proficient English speaker. However, in India, especially in Tamil Nadu, young children are taught English without understanding its meaning. They are not learning but merely memorizing or mugging up the content.

The disadvantages of such practices are manifold. Memorization without comprehension undermines genuine knowledge, leading to a superficial grasp of the language that may falter under real-world conditions. Additionally, students waste invaluable time and energy on techniques that do not support long-term language acquisition. The focus should shift from mere memorization to fostering critical thinking and contextual understanding. Engaging students in meaningful conversations, interactive learning, and practical applications of English can significantly enhance their proficiency. Moreover, integrating phonetics and linguistics into the curriculum would enable learners to pronounce words correctly and understand their usage, bridging the gap between knowledge and practical application. Ultimately, a more thoughtful approach to English language education is vital for empowering students and preparing them for a globalized world.

In the United States, phonics and phonemic awareness are typically introduced in kindergarten (around age 5-6). During this period, students start learning about the sounds that letters make and how to blend them to form words. The study of phonetics in a more formal and detailed manner might continue through the early elementary grades, particularly in first and second grades (ages 6-8). However, the depth of phonetics instruction can vary based on the curriculum and educational approach of the school or district.

**Justice David Annoussamy**, has undertaken a thorough assessment, review, and exploration of various aspects related to language acquisition. His work addresses the importance of knowing languages beyond one's mother tongue, the significance of the mother tongue itself, the medium of instruction, language planning, and the essential teaching aids required. His essays highlight the necessity of addressing language planning issues, particularly in heterogeneous learning environments. He emphasizes that language planning policies should undergo regular assessments, reviews, and adjustments. Solving the language puzzle should be guided by the application of scientific knowledge.

### **Anatomy of Language: மொழியின் உடற்கூறியல்:**

The structure of a language is based on different registers of language. Registers are modes of expression that vary from person to person based on their social status. Formalism and colloquialism are two different registers, and one must adopt the appropriate register for a given context.

### **Exploring Language Acquisition and Learning Methods**

1. Acquisition of Language by Children.
2. Picking up Another Language
3. Learning in Nursery School.
4. Learning through Language Teaching



## 1. Acquisition of Language by Children

### a) Universality of acquisition

**Natural Language:** Learning in Children Most children learn to speak naturally, except for those who are deaf or mute. This universal ability might seem innate, but language is actually learned. Children without exposure to language, like those isolated or raised by animals, don't develop it.

**Optimal Language Exposure for Children:** Kids typically start learning a language between ages 1 and 3. They benefit most from rich, high-quality language input, though too much can be detrimental. Remarkably, intelligence doesn't affect language learning; even kids who struggle with other skills can learn their native language as well as their peers.

**Consistency in Language Proficiency:** By the end of learning, differences among illiterate individuals become minimal, limited mostly to minor mispronunciations or stammering. While success in language learning is common, fluency and vocabulary vary. Most people reach a similar level of comprehension, despite differences in expression.

**Understanding vs. Expression in Language:** There isn't much variation in understanding basic language features and sentence structures among people. Nearly everyone reaches a similar level of comprehension.

**Spoken vs. Written Language:** While children naturally learn to speak, they don't learn to write without explicit instruction. Writing skills vary significantly among individuals.

## **b) No teaching**

**Natural Language Acquisition:** Since children universally succeed in learning their mother tongue, it's crucial to analyze how this happens to improve language teaching methods. Theories of learning don't explain how children acquire language. Parents are eager to hear their child's first words, but they don't explicitly teach language. Instead, they use simplified speech, known as caretaker's speech, supported by facial expressions, tone of voice, and gestures, sticking to the "here and now" principle. The language parents use starts simple and gradually becomes more complex as the child's understanding grows.

**Stages of Language Interest:** Initially, children are only interested in speech directed at them. Later, they start noticing conversations around them. At first, they communicate mainly with family members, but this gradually expands. As children explore other forms of expression, their interest in learning grows. Their strong urge to communicate makes language acquisition a nearly continuous process, happening without formal teaching.

**Written Language Skills:** Children don't naturally acquire written language skills; these must be taught. Levels of achievement in writing can vary significantly among individuals.

## **c) Understanding precedes expression**

**Interest in Sounds Before Meanings:** Before children understand the meaning of words, they are captivated by the sounds. Each word has its own features that children recognize, making words seem alive to them. This explains their love for poetry, satisfied by lullabies, rhymes, and traditional children's verses. As children begin to understand meanings, their fascination with sounds often diminishes. Those with a poetic inclination retain this interest in sounds and may try to recapture this early joy when writing poetry. Poets and children share a common enjoyment of sounds.

**Storing and Using Language:** The language children hear is stored in their brains and takes time to use for understanding. From around 12 months, children recognize familiar voices and sounds indicating

certain facts, like food preparation. Their hearing sharpens daily. Between 12-18 months, children can follow simple commands and respond to prohibitions. By age 3, they have achieved about 90% of their comprehension ability.

**Parental Expectations and Children's Silence:** Parents know their child understands what is said or happening around them, but they don't often push them to speak, except on special occasions like greeting visitors or expressing thanks. When pressured, children may remain silent, often misinterpreted as obstinacy.

The truth is, either they are too upset to speak, or speech, being a spontaneous act, can't be prompted externally without causing inhibition. Some children understand everything but don't speak at all. Rarely, some may even read without speaking.

**Understanding vs. Speaking:** Understanding can occur without speaking, but not vice versa. Understanding is a less active process than speaking, which requires better language knowledge. Speaking involves mentally forming a sentence and clearly uttering it, a more complex task. Speaking typically begins several months after understanding.

#### **d) Phases in expression**

**Preparation of Vocal Organs:** Speaking first requires preparing the vocal organs and gaining full control over them. This process starts at birth with crying. Between 4 and 6 months, babies coo and laugh to express their feelings. From 6 to 9 months, they babble and make distinct sounds, imitating the linguistic rhythm they hear. This continual vocal activity, combined with pleasure, prepares the organs for language use. By age 3, children have mastered the phonological aspects of their mother tongue.

**Non-Verbal Communication:** While preparing their vocal organs, children begin to communicate with those around them without speaking. They cry, push away undesired things, gesture angrily, smile, and laugh. They also respond to familiar sounds and noises like knocking at the door or the sound of a clock.

**First Words and Sentences:** Around one year old, children start uttering their first words, sometimes modified to fit their pronunciation abilities. These words may not carry the meanings adults attribute to them. Children talk to themselves in their own language and use single words for multiple things. As they attempt sentences, they shorten them based on their cognitive development. First, two-word sentences like "dog comes" or "daddy's pen" appear, followed by longer sentences. The complexity of their language mirrors their age, mental, and linguistic development. Notably, while words are spoken before understanding their concepts, sentences are formed after grasping the corresponding ideas. By age 3, children can use around 1,000 words according to syntactic rules.

#### **e) Process of acquisition**

**Storing and Organizing Language:** Language acquisition isn't just soaking up words. Between ages 2 and 3, children unconsciously store and organize language, using an innate ability to form grammatical rules. This leads to the observed discontinuity in learning.

**Backward Steps in Learning:** Children sometimes regress, using incorrect forms like "doed" instead of "did," but eventually correct themselves.

Language learning involves restructuring understanding through memory and logic. Logic, more efficient than memorization, becomes the child's main tool. For instance, learning verbs often end in "ed" for past tense, and later noting exceptions to this rule.

**Faulty Language and Corrections:** Before mastering language, children's speech is often imperfect in pronunciation and sentence structure. Typically, parents don't scold or laugh at these mistakes but appreciate the child's attempts. Some modifications by children even

become part of family language. Parents instinctively correct by repeating what the child said correctly. Children use a trial-and-error method, with errors eventually disappearing over time.

#### **f) Effort Involved**

**Misconception of Effortlessness:** It might seem that children acquire language effortlessly, but this is not true. With careful observation, one can see the significant effort children put into uttering their first words and sentences, and even later when saying unusual words. The apparent ease comes from the child's total involvement in the process.

**Total Involvement and Motivation:** Speaking is crucial for children to meet their various needs, such as participating in family life and understanding their surroundings. This total involvement harnesses their entire energy. The joy they feel from successfully expressing themselves also drives them. Therefore, the effort is present, even if it is not always apparent.

**The Myth of Effortless Language Learning:** The idea that children learn language without effort is a myth stemming from a lack of close observation. The effort is very real but often goes unnoticed due to the child's deep engagement and motivation.

#### **g) Simultaneous acquisition of more than a language**

**Multilingual Environment:** A child can learn multiple languages simultaneously if placed in a multilingual environment.

The conditions for this are that the child should be normal, and each person should consistently speak the same language to the child. Eager to communicate, the child uses different language registers based on their relationship with the person, even within a single language. When exposed to multiple languages, children learn all of them. By ages 3 to 4, they can speak each language to the respective interlocutor. If they don't know a word, they use periphrasis in the correct language, showing their eagerness to be understood. This process hones their ability to distinguish languages, occasionally allowing them to serve as interpreters.

**Balancing Exposure:** Equal exposure to two languages results in equal progress, giving the child two mother tongues. However, equal exposure is rare.

Even if parents each speak different languages to the child, they usually have a common language, which often becomes dominant. Influences from family, media, peers, and the community can tilt the balance toward one language. However, the other language can become dominant if circumstances change, such as when the school language differs.

**Benefits of Multilingualism:** Concerns about exposing a child to multiple languages are unfounded, except in cases of mental defects or linguistic difficulties. For normal or above-normal children, learning two languages simultaneously enhances cognitive development. While parents can't transfer their knowledge directly, they can pass on languages, facilitating the acquisition of additional languages later.

**Emulating the Learning Process:** Despite the laborious nature of learning, children succeed in mastering one or more languages. Therefore, this process is worth emulating, or at least drawing lessons from it.

## **2. Picking up Another Language**

### **a) When does it operate?**

**Innate Ability for Multiple Languages:** Children learning multiple languages simultaneously demonstrates that the human brain is inherently capable of acquiring multiple languages. Learning a new language through exposure alone, without formal teaching, is increasingly common.

**Common Scenarios:** This method is prevalent among migrants, transferred officers, their children, and servants. People of all ages successfully acquire new languages this way.

**Cultural Adaptation:** While language is closely tied to a specific group, making it a significant cultural characteristic, it can be fairly well acquired by outsiders through exposure.

## **b) Conditions of acquisition**

**Duration of Exposure:** Language acquisition depends on the duration of exposure. Without sufficient exposure, learning is minimal, and if contact with the language is lost, it is progressively forgotten.

**Necessity of Communication:** The target language must be the only means of communication with certain individuals. If communication can be achieved through another language or interpreter, or if the need to communicate is absent, learning does not occur.

**Involvement in Activities:** Involvement in activities and social life in the new language enhances learning. Youngsters, eager to engage and have fun, typically achieve better outcomes. Motivation to learn and a desire for perfection are crucial. Immersion in the language, memorizing useful words, attentive listening, and accurate expression help in acquiring the language.

**Variation in Language Acquisition:** Differences in language acquisition levels are due to various factors. Some individuals, even when compelled to learn for survival, struggle to learn correctly. This includes those with poor hearing, resulting in defective pronunciation, and those who consistently make the same mistakes.

**Plateaus and Limitations:** Some individuals reach a plateau and cannot progress further. They may be vaguely aware of their flawed speech but lack motivation or the ability to identify and correct unfamiliar expressions. Others remain indifferent to the language despite continuous exposure, not paying attention or showing interest in learning.

## **c) Comparison with acquisition of first language by the child**

**Normal Interaction:** When learning a new language, people usually interact normally with the learner, without actively teaching or

repeating themselves. Caretaker's speech is used only when complete understanding is crucial.

**Communication Needs:** While the need to communicate is important for a language learner, it is not as crucial as it is for a child learning their first language.

**Existing Language Knowledge:** Learners already know a language, which offers advantages such as no need for new concepts and developed hearing and vocal systems. However, this can also create challenges. The mother tongue can act as a barrier, making it hard for vocal organs to adjust to new sounds. The hearing system is less attuned to new language sounds, and there may be a tendency to assimilate new sounds with those from the mother tongue. There might also be resistance to learning a new language out of necessity.

**Opportunity and Acceptance:** When given the chance to learn a new language, it should be embraced wholeheartedly. It requires total acceptance and commitment.

### 3. Learning in Nursery School

**Oral Language Acquisition Focus:** Nursery schools that teach a second language emphasize oral language acquisition. This process mimics natural language learning but is structured. Traditional school exercises and written language are excluded, focusing on oral communication through activities like crafts, organized play, drawing, singing, poem recitations, object discussions, simple experiments, picture book reading, storytelling, and films.

**Initial Language Development:** Structured language learning begins after children develop sufficient expressive skills, with initial questions requiring simple answers. The goal is to create an immersive environment where the language is used naturally, not taught explicitly.

**Success Rates and Adjustments:** When designed this way, nursery schools are generally successful in language acquisition, with 85-90% of children thriving. About 10-15% may struggle, and teachers can



identify these children within a month. It's beneficial to transfer these children to a kindergarten where instruction is in their mother tongue, allowing them to learn a second language later. This ensures they progress satisfactorily without being hindered by starting in a foreign language environment.

**Continuous Language Development:** Learning a language in nursery school is beneficial, but continued nurturing of language development is important. The foundation laid can be built upon in later educational stages to enhance language skills further.

#### **4. Learning through Language Teaching**

##### **a) Not a successful enterprise**

**Natural and Nursery School Success:** Children acquiring language naturally without teaching is universally successful. Picking up a language and learning in nursery school are also quite successful.

**Failures in Formal Teaching:** However, formal teaching of languages has been a significant failure worldwide. Language learning is delicate, and many students, after years of effort, can't read a newspaper in the language they studied. Orally, they often know only a few greetings.

**Common Frustrations:** It's common to hear educated individuals say, "I studied French (or German) for my Intermediate (or B.A.), but I cannot speak." They feel their time was wasted. More distressingly, failing in English often means failing the general exam, due to the undue importance placed on English inappropriately.

##### **b) Reasons for failure:**

**Misunderstanding Language Learning:** Teaching a foreign language as a subject like others ignores the unique nature of language learning. Language isn't learned like other subjects; it is acquired. Other subjects involve understanding, memorizing, and using knowledge through a known language. Language, however, is a complex skill, not just knowledge.

**Ignoring Natural Acquisition:** Teaching often ignores the natural process of language acquisition, where learners choose what interests them. In teaching, the choice lies with the teacher, and exposure to natural language is minimal. Language is presented as formal elements, often without communicative context or purpose, focusing more on grammatical rules than vocabulary.

**Rules vs. Performance:** In real life, performance precedes rules. Rules help control correctness but don't aid learning effectively. Drills without communicative value and rote memorization of conjugations don't help much. Language is presented as an artificial construct, different from the mother tongue. This results in low intake and learning only fragments of the language, focusing on form rather than communicative interest.

**Simultaneous Oral and Written Learning:** Teaching both oral and written language simultaneously goes against the natural learning process, complicating it. Despite audiovisual equipment being used in specialized institutions, written language often dominates. It appears more tangible to students and teachers, leading to traditional exercises that mainly help in reading and writing, not other skills.

**Lack of Maturation Time:** Classroom teaching doesn't allow for the necessary maturation time between understanding and expression. Students are forced to speak and write prematurely, which has negative effects. This approach stems from treating language like other subjects, where next-day questioning is common.

**Need for a Different Approach:** Language teaching should diverge from other subjects and mimic natural acquisition as much as possible. There is always a gap between teaching and learning, more so in languages. Better success can be achieved if teaching methods draw lessons from natural language acquisition and address the reasons for failure. This leads to principles or "Laws" that language learners should follow for success.

## 2.8. Language Register

### Registers of Language

Individuals naturally select the appropriate language register when using their native tongue. Social status, settings, and circumstances significantly influence the way we communicate. For instance, a chat in a living room is quite different from haggling in a market. Similarly, workshop directives vary from official government mandates. Furthermore, the dynamic between same-sex individuals differs from interactions between the opposite sexes.

To better illustrate these different modes of expression, known as registers of language, let's take an example and show how the same thing would be expressed by individuals of different social statuses:

#### Different Ways of Requesting Daily Bread:

1. **Formal Prayer:** "Give us this day our daily bread."
2. **Common Man:** "Please give us bread every day."
3. **Beggar:** "Some bread, please. I am hungry."
4. **Militant:** "Bread daily! Bread!"
5. **Politician:** "The priority of priorities is food for all."
6. **Poet:** "Let this world perish if food is not assured for all."
7. **Moralist:** "Your daily bread is the fruit of your daily work."
8. **Pious Lady in the Drawing Room:** "From my heart of hearts, I implore the divine munificence for the whole mankind perennially."
9. **Political Science Professor:** "Among the various duties of a Welfare State, there is one which, I should say, is paramount: to ensure food to each and every citizen without interruption."
10. **Lawyer:** "We respectfully request and pray that due and adequate provision be made this day and all the days to follow, for the satisfying of the petitioner's maintenance, that the aforesaid provision be quantified and that the opposite party be ordained to supply uninterruptedly the provision so quantified."

This list shows how different individuals and roles express the same fundamental need in varied ways.

Typically, individuals are not consciously aware of the different registers of language in their mother tongue, despite using them daily. Written language is not merely a transcription of oral language and vice versa. While lectures or speeches may sometimes resemble written language, there are notable differences between the two. Oral language is more vivid and expressive, incorporating intonation, repetition, pauses, and other elements that convey emotion and sentiment. In contrast, written language lacks these features and can sometimes seem dull when read aloud. The structure and conveyance of ideas also differ between written and oral language.

Even in their mother tongue, individuals may excel in either written or oral language. Awareness of different language registers begins at a young age; even first graders adjust their language depending on whether they are speaking to parents, teachers, or playmates.

When learning and using a second language, it is crucial to pay attention to the appropriate register. Communication between individuals from different countries typically requires a more formal register than that between native speakers of the same country. Foreigners are expected to learn and speak the standard language, and using overly colloquial language may elicit surprise. However, when speaking in a foreign language to a close friend or a cook, the appropriate register for that context should be adopted. Respecting language registers is important for effective communication in a second language.

Language also plays a significant role in shaping culture and perception. The language we use is influenced by cultural and societal needs, and it, in turn, influences how we perceive the world. Different languages may have unique words and concepts that do not have exact translations in other languages, highlighting the close relationship between language and culture.

In summary, the use of different registers of language is instinctive in one's mother tongue, with individuals naturally adjusting their language based on social status, settings, and circumstances. Written and oral language have distinct characteristics and structures. When learning a second language, it is important to pay attention to the

appropriate register of language. Language is a complex and rule-governed behavior, and different languages and dialects are equally valid. Language is also closely intertwined with culture and influences our perception of the world.

### **Language Varieties**

Language varieties, also known as dialects, can be understood as different forms of a language that are spoken or written in a specific region, community, or social group.

These variations arise due to factors such as geographical isolation, cultural influences, and historical events. The study of language varieties is essential in understanding the richness and diversity of human communication and the evolution of languages over time.

There are several types of language varieties, including:

- 1. Regional Dialects:** These are the most common language varieties that are spoken in specific geographical areas. They often include unique vocabulary, pronunciation, and grammar that distinguishes them from other dialects spoken in neighboring regions.
- 2. Social Dialects:** These dialects are influenced by the social class, occupation, or cultural background of the speakers. Social dialects may vary based on factors such as education, income, and social status.
- 3. Ethnic Dialects:** Ethnic dialects are specific to a particular ethnic group and are often characterized by unique vocabulary, grammar, and pronunciation. These dialects may be preserved by the community and passed down through generations.
- 4. Age-Related Dialects:** Language varieties can also be influenced by the age of the speakers. Youth slang, for example, may differ from the language used by older generations.
- 5. Gender-Specific Dialects:** Some languages may exhibit gender-specific dialects, with women and men using different vocabulary, pronunciation, or grammar based on their gender.

**6. Occupational Dialects:** Occupational dialects are specific to certain professions and can include jargon, technical terms, or slang related to the job.

In previous chapters, we've treated languages like English as if all speakers use them uniformly. However, every language has multiple varieties, especially in speech. This variation is a crucial and well-recognized part of our daily lives in different regional and social communities. In this chapter, we'll explore regional varieties through linguistic geography, and the next chapter will cover social variation in language use. First, we'll identify the specific variety typically meant by general terms like English, Italian, Japanese, Spanish, and so on.

### **The Standard Language**

When we described the sounds, words, and sentences of English, we focused on one variety, typically called Standard English. This variety forms the basis of printed English in newspapers and books, is used in the mass media, and is taught in schools. It's the variety usually taught to those learning English as a second language. Standard English is associated with education and public broadcasting and is more easily described in terms of written language (vocabulary, spelling, grammar) than spoken language.

In the context of public broadcasting in the United States, we refer to Standard American English, and in Britain, to Standard British English. Other national varieties, such as Standard Australian English or Standard Canadian English, can also be recognized.

### **Accent and dialect (உச்சரிப்பு மற்றும் மொழி வழக்கு)**

Accent and dialect are two terms used to describe variations in language. Here's a breakdown of the differences between the two:

#### **Accent:**

1. An accent refers to the way a person or a group of people pronounce words in a particular language.

2. Technically, everyone speaks with an accent, as it is not possible to speak aloud without speaking with an accent.
3. Accents can vary based on factors such as geographical location, socioeconomic background, and native language influence.
4. Accents primarily focus on pronunciation and the variations in how sounds are produced.

**Dialect:**

1. A dialect refers to a variety of a language spoken in a particular geographical area or by a specific group of people.
2. Dialects encompass a broader set of linguistic differences, including variations in vocabulary, grammar, syntax, and pronunciation.
3. Differences in dialect can include variations in vocabulary, grammar, syntax, pronunciation, and usage rules.
4. Dialects are associated mainly with geographical locations and can be specific to regions or communities.

In essence, accents and dialects are both important linguistic concepts, but they focus on different aspects of how we communicate. Accents specifically pertain to the way words are pronounced, while dialects cover a broader range of differences, including pronunciation, vocabulary, grammar, and usage patterns. You can think of accents as a part of dialects—like one piece of a larger puzzle.

It's also a common misconception that some people speak without an accent; in reality, everyone speaks with an accent, even if it's subtle. Some accents are quite noticeable and can easily indicate where someone is from, whether regionally or socially. Accents are a technical way of describing these pronunciation characteristics, whereas dialects include not just how words sound, but also the specific words we use and the grammatical structures we apply. So, every language user brings a unique voice to the conversation, shaped by their background and experiences.

For example, the sentence "You don't know what you're talking about" generally looks the same whether spoken with an American or Scottish accent, using Standard English forms but with different pronunciations.

However, the sentence "Ye dinnae ken whit yer haveerin' about" has the same meaning but is written to approximate a Scottish English dialect. Here, pronunciation differs (e.g., whit, aboot), as do vocabulary (ken, haverin') and grammatical form (dinnae).

While differences in vocabulary are easily recognized, dialect variations in grammatical constructions are less documented. Here is an example from Trudgill (1983), of an exchange between two British English speakers (B and C) and an Irish speaker (A) in Donegal, Ireland:

A: How long are youse here? B: Till after Easter. (Speaker A looks puzzled) C: We came on Sunday. A: Ah, youse're here a while then.

In speaker A's dialect, "How long are youse here?" means "How long have you been here?" rather than the future interpretation "How long are you going to be here?" made by speaker B.

Despite occasional difficulties, many speakers of different English dialects or varieties generally understand each other. Linguistically, no variety is superior to another; they are simply different. However, socially, some varieties gain more prestige. The Standard Language typically evolves from a prestigious dialect associated with a political or cultural center (e.g., London for British English and Paris for French). Nonetheless, various regional dialects continue to be spoken.

### **Regional dialects (வட்டார மொழி வழக்கு)**

Different regional dialects are widely recognized and often humorously referenced by those in different areas. For instance, in the United States, someone from Brooklyn might joke about a Southerner's pronunciation, imitating a Southern accent. Conversely, a Southerner might find Brooklyn speakers' pronunciation amusing. These jokes stem from stereotyped pronunciations associated with regional dialects.



However, serious researchers of regional dialects focus on identifying consistent speech features in specific geographical areas rather than stereotypes. Dialect surveys require careful attention to detail and specific criteria for choosing informants. Typically, informants are NORMS (non-mobile, older, rural, male speakers) to ensure minimal external influence on speech. While this approach may reflect dialects from an earlier time, the collected information forms the basis for Linguistic Atlases of entire countries (e.g., England) or specific regions (e.g., New England in the United States).

**Isoglosses (மொழி வரம்பு) and dialect boundaries (மொழி வழக்கு எல்லைகள்) (மொழி வரம்பு மற்றும் மொழி வழக்கு எல்லைகள்)**

Surveys like the Linguistic Atlas of the Upper Midwest of the United States aim to map out dialect boundaries by identifying significant speech differences among individuals in various areas. For example, if most informants in one area use "paper bag" while those in another area use "paper sack," an isogloss line can be drawn to separate these regions based on that linguistic feature. Additional isoglosses for other items (e.g., "pail" vs. "bucket") can be drawn, possibly overlapping. When multiple isoglosses converge, a more solid line indicates a dialect boundary.

In the Upper Midwest of the USA, a Northern dialect area includes Minnesota, North Dakota, most of South Dakota, and Northern Iowa. The rest of Iowa and Nebraska show characteristics of the Midland dialect.

#### **Pronunciation Differences:**

**Northern dialect:** "Minnesota" pronounced as "Minnesoh-ta"

**Midland dialect:** "Minnesota" pronounced as "Minne-soh-ta"

#### **Vocabulary Differences:**

**Northern dialect:** "pop" for carbonated beverages

**Midland dialect:** "soda" for carbonated beverages

	(‘taught’)	(‘roof’)	(‘creek’)	(‘greasy’)
<b>Northern:</b>	[ɔ]	[ʊ]	[ɪ]	[s]
<b>Midland:</b>	[a]	[u]	[i]	[z]
<b>Northern:</b>	Paper bag	Pail	Kerosene	Slippery
<b>Midland:</b>	Paper sack	bucket	Coal oil	Slick

If an American English speaker pronounces "greasy" as [grɪzi] and refers to carrying groceries in a paper sack, it indicates they likely haven't spent most of their life in Minnesota, where different pronunciations and terms might be more common. It's important to note that these characteristic forms are used by a significant portion of people in the region, as identified in dialect surveys, but not by everyone living there.

## Dialect Continuum and Cross-Border Language Variation

### 1. Dialect Continuum:

A dialect continuum refers to the **gradual transition** of linguistic features across geographical regions.

Instead of having clear-cut divisions between distinct dialects, neighboring varieties gradually blend into one another.

Imagine a spectrum where each point represents a slightly different linguistic feature, and as you move along this spectrum, the language gradually changes.

Dialect continua are common in areas with historical, cultural, or geographical connections.

For example, consider the transition from Dutch to German in the border regions between the Netherlands and Germany.

### 2. Dutch-German Border Example:

As you travel from Holland (where Dutch is spoken) into Germany, you'll notice a fascinating linguistic shift:

**Dutch Speakers:** Near the border, you'll find concentrations of Dutch speakers. Their dialects blend with neighboring German varieties.

**Transitional Zone:** In the border areas, the distinction between Dutch dialects and German dialects becomes less clear. Here, you might encounter speakers who use a mix of both.

**Distinctly German Speakers:** As you venture deeper into Germany, you'll encounter greater concentrations of distinctly German speakers.

This gradual shift highlights the fluidity of language variation across borders.

### **Bidialectalism vs. Bilingualism:**

**Bidialectalism:** Individuals who move back and forth across a dialect boundary, using different varieties with ease, are described as bidialectal. They can switch between two dialects comfortably.

For instance, someone might speak one dialect at home or in informal settings ("in the street") and another dialect in more formal contexts ("in the school").

**Bilingualism:** When people know two **distinct languages**, we refer to them as bilingual.

Bilingual individuals possess a strong command of two languages, enabling them to use each language flexibly and independently. This differs from bidialectalism, which typically involves using different dialects of the same language, often characterized by varying degrees of mutual intelligibility.

In essence, bilingualism encompasses distinct linguistic systems, where speakers navigate seamlessly between the two languages. Meanwhile, the concept of dialect continua highlights the fluid nature of language variation. It serves as a reminder that linguistic boundaries are often not rigid; instead, they are interconnected and dynamic. People adapt effortlessly to the linguistic landscape around them, shifting between

neighboring dialects or related languages, embodying the rich tapestry of human communication.

## **Bilingualism**

Another note of caution is required. The drawing of isoglosses and dialect boundaries is quite useful in establishing a broad view of regional dialects, but it tends to obscure the fact that, at most dialect boundary areas, one variety merges into another. Keeping this in mind, we can view regional variation as existing along a continuum, and not as having sharp breaks from one region to the next. A very similar type of continuum can occur with related languages existing on either side of a political border. As you travel from Holland into Germany, you will find concentrations of Dutch speakers giving way to areas near the border where the Dutch dialects and the German dialects are less clearly differentiated; then, as you travel into Germany, greater concentrations of distinctly German speakers occur.

Speakers who move back and forth across this border, using different varieties with some ease, may be described as bidialectal (i.e. 'speaking two dialects'). Most of us grow up with some form of bidialectalism, speaking one dialect 'in the street' and having to learn another dialect 'in the school'. However, if we want to talk about people knowing two distinct languages, we have to describe them as being bilingual." (cleaned grammatical error and added proper punctuation).

## **Language Planning**

In many countries, regional variation involves not just dialects, but distinct languages. For example, Canada is officially bilingual, recognizing both French and English as official languages, particularly to ensure linguistic rights for French speakers in Quebec. Historically, Canada's dominant language has been English, with French spoken by a minority. In such cases, bilingualism often characterizes minority groups who speak one language within their community and learn another, like English, to engage with the larger society.

**Bilingualism** can also arise from having parents who speak different languages. Children in such families may acquire both languages simultaneously, often switching between them based on the person they are speaking to. Typically, one language may become dominant over time.

Bilingualism is not confined to minority groups. In the United States, for instance, large communities speak languages other than English at home. In San Antonio, Texas, many people listen to radio broadcasts in Spanish, impacting local government and education, where questions arise about whether instruction should be in English or Spanish.

Language planning plays a vital role in determining which language varieties are used for official purposes. Governments and institutions must decide on languages for official use and education. For instance, Israel chose Hebrew as its official language, and India selected Hindi, which led to protests in non-Hindi-speaking regions.

**Language planning involves several stages:**

1. **Selection:** Choosing an official language.
2. **Codification:** Establishing grammars, dictionaries, and written standards.
3. **Elaboration:** Developing the standard language for all social aspects, including literature.
4. **Implementation:** Government efforts to promote the standard language.
5. **Acceptance:** Broad adoption of the standard language, contributing to national identity.

**Bilingualism** is a global phenomenon, with about half the world's population being bilingual. In Europe, bilingualism is common and encouraged, while the United States has often been seen as monolingual, overlooking significant non-English-speaking communities.

Overall, bilingualism arises from various factors, including minority status, familial language differences, and national language planning.

Recognizing linguistic diversity is crucial in addressing language choices in education and government communication.

### **Pidgins (சுருக்கமான மொழி) and Creoles (கலவை மொழி)**

**Pidgins:** Pidgins are simplified languages that develop to facilitate communication between groups who do not share a common language. They often arise in contexts such as trade or colonial settings and feature simplified grammar and vocabulary drawn from the involved languages. Pidgins are not native languages; they function as a lingua franca.

**Creoles:** Creoles are fully developed languages that evolve from pidgins when they become the native language of a community. This development occurs when children learn a pidgin as their first language, making it their primary means of communication. Creoles have more complex grammatical structures and larger vocabularies than pidgins, incorporating elements from the original pidgin languages and other community languages.

#### **1. Pidgins:**

Pidgins are simplified languages that emerge as a means of communication between groups of people who do not share a common language.

#### **Characteristics of Pidgins include:**

**Limited Vocabulary:** Pidgins have a small lexicon, often borrowed from multiple source languages.

**Absence of Complex Grammar:** They lack intricate grammatical structures and inflectional morphology.

**Functional Morphemes:** Instead of inflectional morphemes, functional morphemes (such as prepositions) play a crucial role.

**Word Order Changes:** Pidgins alter word order to convey meaning.

### **Examples of Pidgin phrases:**

“tu buk” (meaning “two books”)

“di gyal pleis” (meaning “the girl’s place”)

“buk bilong yu” (meaning “your book”)

## **2. Word Origins in Pidgins:**

Pidgins often borrow words and phrases from other languages, creatively adapting them for new meanings.

### **Examples:**

“bagarimap” (from the English phrase “bugger him up”) means “ruin” or “destroy.”

“haisimap” (from “hoist him up”) means “lift.”

“yumi” (from “you” plus “me”) means “us.”

## **3. Pidgin vs. Creole:**

**Pidgin:** Initially used for trade or communication, Pidgins lack native speakers and are limited in scope.

**Creole:** When a Pidgin evolves into the first language of a community, it becomes a Creole.

Creole languages have native speakers and are not limited in their use; they serve as fully developed languages in their own right. For example, Tok Pisin, spoken in Papua New Guinea, is a prominent Creole language. Similarly, Hawai’i is home to a Creole spoken by a large population.

Around the world, French-based Creoles thrive in Haiti, while English-based Creoles can be found in places like Jamaica and Sierra Leone. These languages reflect the rich cultural and linguistic diversity of their regions, showcasing the adaptability and resilience of human communication.

#### **4. Transformation of Vocabulary:**

In Creoles, vocabulary elements from Pidgins can become grammatical elements.

For instance, the Tok Pisin phrase “baimbai yu go” (meaning “by and by you go”) gradually shortened to “bai yu go,” then “yu baigo,” and finally “yu bigo.”

This transformation mirrors the grammatical structure of its English translation equivalent: “you will go.”

#### **The post-Creole continuum (பிந்தைய கலவை மொழி தொடர்ச்சி)**

The post-creole continuum is a sociolinguistic concept that describes the range of language varieties between a creole and the community's standard language. This continuum features a spectrum from creole-like forms to standard-like forms, with intermediate varieties reflecting varying degrees of both. Factors such as education, social status, and identity influence these language variations.

This continuum illustrates the dynamic nature of language, emphasizing that it is constantly evolving and adapting to the social and cultural contexts of the community. Language is not static; it changes and diversifies as people navigate their identities and environments.

#### **Language, society and culture (மொழி, சமூகம், கலாசாரம்)**

The field of sociolinguistics explores the relationship between language and society, as well as the ways in which language reflects and shapes social structures and cultural practices. It examines how language use varies across different social groups, such as based on factors like social class, ethnicity, age, and gender.

Sociolinguistics also investigates how language attitudes and ideologies influence social interactions and power dynamics. It explores questions such as how language choices can be markers of identity and social belonging, how language variation is perceived and evaluated by



different communities, and how language policies and practices impact social inequality.

### **Sociolinguistics (சமூக மொழியியல்)**

Sociolinguistics is a subfield of linguistics that examines language in its social context. It focuses on how language varies and changes across different social groups, communities, and situations. Sociolinguists explore the relationship between language and society, including language variation and change, language attitudes and ideologies, and the social factors influencing language use.

This field uses various methods, such as quantitative analysis, ethnographic research, and sociolinguistic interviews and surveys. Sociolinguistics has practical applications in education, language policy, and language planning.

### **Social dialects (சமூக மொழி வழக்குகள் / பாஷைகள்)**

Social dialects refer to variations in language use that are associated with different social groups or communities. These variations can include differences in pronunciation, vocabulary, grammar, and other linguistic features. Social dialects often reflect social factors such as social class, ethnicity, and regional identity.

Social dialects can be influenced by a variety of factors, including historical and cultural influences, patterns of migration and contact between different groups, and social and economic inequalities. They are an important area of study in sociolinguistics, as they provide insights into the ways in which language is used to construct and negotiate social identities.

### **Social class and education (சமூக வகுப்பும் கல்வியும்)**

Social class and education are two important factors that can influence language variation and use. Language variation across social classes can manifest in differences in vocabulary, pronunciation, grammar, and other linguistic features. These variations can reflect social and cultural differences between different social classes.

Education also plays a role in language variation, as individuals with higher levels of education may use language differently compared to those with lower levels of education. Education can influence language use through factors such as exposure to standard language norms, language policies in educational institutions, and the acquisition of literacy skills.

### **Age and Gender**

Age and gender are two additional factors that can influence language variation and use. Language use can vary across different age groups, with younger speakers often exhibiting linguistic features that are distinct from older generations. This can be influenced by factors such as language change over time, generational differences in social norms, and the influence of youth culture.

Gender can also play a role in language variation, with differences observed in the language use of males and females. These differences can be influenced by social and cultural factors, as well as gendered socialization practices.

### **Ethnic Background**

Ethnic background is another important factor that can influence language variation and use. Different ethnic groups may have distinct linguistic features that are associated with their cultural and linguistic heritage. Language variation across ethnic groups can reflect historical and cultural influences, patterns of migration and contact, and the maintenance of heritage languages.

Ethnic background can also intersect with other social factors, such as social class and education, to shape language variation and use within a community.

### **Idiolect (தனிப்பட்ட மொழிபயன்பாடு)**

An idiolect refers to the unique language variety used by an individual. It encompasses the specific linguistic features, vocabulary,

pronunciation, and grammar that are characteristic of an individual's speech. Each person has their own idiolect, shaped by their linguistic background, socialization, and individual experiences.

Idiolects can vary widely between individuals, even within the same social group or community. They are influenced by factors such as regional dialects, social class, education, and personal preferences. The study of idiolects provides insights into the ways in which language is shaped by individual identity and experience.

## 2.9. Jargon (நுட்ப மொழி / சட்டத்தின் பாடத்தின் படி பார்த்தால் சட்ட நுட்ப மொழி)

Jargon refers to specialized language used by particular groups, often within specific professions or fields. It includes terms and expressions that may be unfamiliar to those outside the group. For example, legal jargon involves technical language used by legal professionals that may not be easily understood by laypersons. Similarly, other professions have their own jargon that serves to facilitate precise and efficient communication among members of the field.

**Legal Jargon:** Legal jargon, or legalese, is the technical language used in the legal field. It includes terms and phrases that are specific to law and are used in legal documents, proceedings, and discussions. Examples include terms like "plaintiff," "defendant," "amicus curiae," and "habeas corpus."

All of the social factors mentioned in the provided text are related to variation in language use. These factors include the user of the language, the situation of use, and the register or style of speech. Let's break down each factor and its impact on language variation:

## User of the Language

The user of the language refers to the individual who is speaking or using the language. Different social factors can influence how individuals speak or use language. Some of these factors include:

**Ethnicity:** People from different ethnic groups may speak the same language differently, using unique vocabulary, sentence structures, and intonation patterns influenced by their ethnicity.

**Age:** Age is another significant social factor that influences language variation. Younger people often use a more informal version of the language, including slang and internet expressions, while older people prefer a more formal and conventional language. Age can also influence the use of dialects and accents, with younger generations preferring trendy and fashionable dialects and accents.

**Gender:** Men and women, on average, tend to use slightly different language styles. These differences are quantitative rather than qualitative, meaning that they are more about frequency of use rather than distinct styles. However, it is important to note that gender differences in language should not be seen as one gender's style being superior or inferior to the other).

## Situation of Use

The situation of use refers to the context or setting in which language is being used. Different situations may require different levels of formality or informality in speech. For example:

**1. Formal vs. Informal:** There is a gradation of speech styles, ranging from very formal to very informal. The level of formality can vary depending on the situation. For instance, in a job interview, a more formal style of speech may be used, while speaking to a friend in a casual setting may involve a much less formal version of speech.

**2. Written vs. Spoken:** Differences in style can also be found in written language compared to spoken language. Written forms of communication, such as business letters, tend to be more formal in style compared to letters to friends, which are often more informal.

**In legal settings, formality and precision in language are crucial. The term "yes" is appropriate and respectful, while "yeah" is considered too informal and should be avoided in court. Using formal language demonstrates respect for the legal process and ensures clear and unambiguous communication.**

### **Register or Style of Speech**

Register refers to the level of formality or informality in speech, which can vary depending on the social context or situation. Different registers may be used in specific situations, such as:

- 1. Religious Register:** Language specific to religious contexts, featuring unique phrases and terminology found in sacred texts and rituals.
- 2. Legal Register:** Specialized vocabulary and expressions used in legal contexts, embodying the nuances of the legal field.
- 3. Cultural Register:** Distinct styles and registers of speech shaped by cultural norms and practices unique to particular communities.

These variations are key focuses in sociolinguistics, which explores the interplay between language and societal factors.

### **Jargon and its Role in Language**

Jargon refers to specialized language or vocabulary used by people within a specific profession, group, or activity. It serves as a form of technical communication, aiding experts in conveying precise and concise information within their field. Jargon can be seen as a form of insider language that helps connect individuals who consider themselves "insiders" while excluding those who are not familiar with the specialized vocabulary. It can also serve as a means of informal protectionism, creating a sense of exclusivity within certain groups.

### **Examples of Jargon**

Here are a few examples of jargon in different contexts:

### **1. Surfing Talk:**

**Q:** Would you ride a bodyboard if a shark bit off your legs?

**A:** Hey, if you can get tubed, nobody's bumming.

The answer means "Yes, of course!" and is understood by those familiar with surfing jargon.

### **2. Computer Jargon:**

**Juggling eggs:** Keeping a lot of state in your head while modifying a program.

"Don't bother me now, I 'm juggling eggs" means that an interrupt is likely to result in the program being scrambled.

### **3. Occupational Jargon:**

Plumbers might use terms such as elbow, ABS, sweating the pipes, reducer, flapper, snake, and rough-in.

### **Diglossia and Language Variation**

Diglossia refers to a situation in which two distinct varieties of language coexist within a speech community, each with its own social functions. Typically, there is a "High" variety used for formal or serious matters and a "Low" variety used for conversation and informal purposes. Examples of diglossia can be found in Arabic-speaking countries, where classical Arabic is used for formal speech and local dialects are used for colloquial conversation.

## **Language and Culture**

Language and culture are closely intertwined. Different linguistic features can be identified as aspects of specific cultures. Language reflects the worldviews of different groups, and different languages or language varieties can reflect different worldviews for example, the existence of different worldviews is evident in the absence of certain words or concepts in specific languages. The Aztecs, for instance, did not have a word for Santa Claus because the figure did not exist in their culture.

## **Linguistic Determinism**

Linguistic determinism is a theory that suggests that the structure and categories of a language influence how speakers perceive and think about the world. According to this theory, language determines thought, and individuals can only think in the categories allowed by their language an often-cited example is the claim that Eskimos have many words for snow, while English speakers have only one. This difference in vocabulary is said to shape how speakers perceive and categorize the world around them.

It is important to note that while language can influence thought, it does not entirely determine it. The relationship between language and thought is complex and can vary across different linguistic and cultural contexts.

In conclusion, jargon plays a significant role in specialized communication, allowing experts to convey precise information within their field. Diglossia highlights the coexistence of different language varieties within a speech community. Language and culture are closely connected, with language reflecting and shaping cultural worldviews. Linguistic determinism suggests that language can influence thought, but it does not entirely determine it.

**The Sapir-Whorf hypothesis**, also known as linguistic relativity, proposes that the language we speak influences the way we think about reality and perceive the world. Edward Sapir and Benjamin

Whorf developed this hypothesis in the 1930s, suggesting that different languages lead to different worldviews.

However, there have been arguments against this view. For example, Sampson (1980) presents a counterargument by highlighting the use of grammatical markings for females in the French language. While the French language marks females grammatically, it also uses the same markings for inanimate objects like stones and doors. This does not mean that the French believe stones and doors are 'female' entities in the same way as women. This example demonstrates that there can be a distinction between linguistic categories and biological categories.

It is important to note that while there may be some correspondence between linguistic categories and biological categories, they are not always the same. The linguistic categories in a language do not force individuals to ignore biological categories. People have the ability to manipulate and create language to express their perceptions and thoughts. Language change is also possible, which further supports the idea that language does not determine thought.

While the Sapir-Whorf hypothesis suggests a relationship between language and thought, it is important to consider that language is influenced by culture and societal needs. Different languages reflect different cultures and experiences.

For example, English may not have specific terms for different types of snow, but English speakers can create expressions to refer to different kinds of snow. This reflects their different experiences in different cultural environments.

It is worth noting that there are certain common properties shared by all languages, known as language universals. These include the ability for children to learn any language, the use of arbitrary symbol systems, and the ability to send and receive messages. Additionally, all languages have nounlike and verb like components organized within limited patterns to produce complex utterances. By studying universal patterns, linguists aim to describe the single grammar of human language.



In conclusion, while the Sapir-Whorf hypothesis suggests a relationship between language and thought, it is important to consider the limitations and counterarguments. Language does not solely determine thought, and individuals have the ability to manipulate and create language to express their perceptions and thoughts. Language is influenced by culture and societal needs, and there are certain common properties shared by all languages.

## **2.10. Dialectal Variation of Language**

Dialectal variation refers to the differences in language use, including pronunciation, grammar, and vocabulary, that occur among different regions or social groups. It is important to note that everyone speaks with an accent, as accent refers to the specific pronunciation patterns of an individual or group. Dialect, on the other hand, encompasses not only pronunciation but also features of grammar and vocabulary.

Variationists study how languages change by observing authentic data and analyzing linguistic and social environments. Sociolinguists investigate whether linguistic variation can be attributed to social characteristics of the speakers and the linguistic context in which they communicate).

Regional dialects often have distinct pronunciations associated with them, which can lead to humorous misunderstandings or jokes between speakers from different regions. However, serious investigations of dialects focus on identifying consistent features of speech found in specific geographical areas. Dialect surveys involve meticulous attention to detail and the selection of informants who are considered typical representatives of a region's dialect. These informants are often non-mobile, older, rural, male speakers, chosen to minimize outside influences on their speech.

The study of dialectal variation has led to the creation of linguistic atlases that map out the dialectal differences within countries or regions. These atlases provide detailed information on variations in pronunciation, grammar, and vocabulary.

It is important to recognize that no variety of language is inherently better than another from a linguistic perspective.

However, certain varieties may acquire social prestige and become the standard language associated with political or cultural centers. Despite the existence of a standard language, other dialects and variations continue to be spoken in different regions.

In summary, dialectal variation encompasses differences in pronunciation, grammar, and vocabulary that occur among different regions or social groups. Linguists and sociolinguists study these variations to understand how languages change and how social factors influence language use.

## Unit 3 (இயல் 3)

### Logic (தர்க்கம் அல்லது தர்க்கவியல்)

#### 3. General Definition of Logic

Logic is the systematic study of reasoning and inference. It is concerned with the principles and methods used to distinguish valid reasoning from invalid reasoning. By applying logical principles, we can analyze arguments, evaluate their soundness, and draw conclusions based on evidence and reasoning.

Logic is the study of reasoning and principles of valid inference. It is a foundational aspect of various disciplines, including mathematics, philosophy, and computer science. Logic helps in distinguishing correct reasoning from incorrect reasoning and provides a framework for evaluating arguments and propositions.

In Tamil, logic can be translated as தர்க்கம் or தர்க்கவியல். It involves analyzing statements and arguments, determining their validity, and understanding the structures that underpin sound reasoning. Logic is essential in problem-solving, decision-making, and understanding complex concepts in a structured manner.

#### 3.1. General Principles of Logic

##### Reasoning and Human Uniqueness:

What sets humans apart from other living beings is the power to reason. While humans and animals may behave similarly in many ways, humans have the unique ability to judge their actions as right or wrong and their ideas as true or false. This ability elevates humans, making them the crown of all creation. The power to reason is tied to the ability to gain knowledge. Humans not only perceive things but also think about them, analyze them, and discover their unique characteristics. This process is knowledge, acquired through thinking.

**Understanding Thinking:** To understand knowledge, we must first understand thinking. Human behavior consists of three functions: thinking, feeling, and willing. The mind encompasses these functions:

1. **Thinking:** When solving problems, we engage in thinking.
2. **Feeling:** When appreciating beauty, whether in art, music, or nature, we experience feeling.
3. **Willing:** When faced with moral decisions, we act based on what seems right, which involves willing.
4. **Right Thinking, Feeling, and Willing:**

As rational beings, it is not enough to simply think, feel, and will; we must strive to do these correctly. The study of right thinking is called logic, the science of thought. Right feeling falls under aesthetics, the science of emotions, and right willing is studied in ethics, the science of conduct.

As students of logic, we study the science of thought to gain knowledge through thinking. Knowledge is a system of ideas that we arrive at through thinking. For example, when we recognize an object as a 'table' because it is brown, has certain dimensions, and is used for writing or placing things, we have acquired knowledge through our intellectual activity. True knowledge is gained when we think about something and relate it to our overall experience. Therefore, we must distinguish between knowledge obtained through our thinking and mere reports or hearsay. True knowledge is achieved through our own thinking activity, and logic studies these processes to attain truth.

Logic, as a science, is concerned with the nature and conditions of truth. It establishes standards, known as norms, which guide individuals to truth. There is a significant difference between things as they are and things as they ought to be. For instance, the ideal is to always tell the truth, but we often do not. Thus, logic sets standards for thinking, guiding us on how we ought to think to reach the truth. It provides the ideal form of thinking, against which other forms are evaluated. Logic is, therefore, the normative science of thought, systematically inquiring into the principles governing correct thinking.

## **Logic and Psychology**

It is true that both Logic and Psychology study thought, but they approach the subject matter in different ways. Logic is a normative science that focuses on the principles of correct reasoning and the attainment of truth. It is concerned with the ideal form of thinking and sets standards or norms for thinking. Logic is primarily interested in the product of thought and the meaning side of thought.

On the other hand, Psychology is a positive science that studies behavior, including thinking, feeling, and willing. It is interested in the actual processes of thought and examines the empirical facts of reasoning habits, including mistakes. Psychology also explores other aspects of the mind, such as pleasure, pain, and acts of will.

While Logic deals exclusively with thinking, Psychology covers the entire range of behavior, including thinking, feeling, and willing. Logic provides the ideal form of thinking and compares other forms of thinking to this ideal, while Psychology describes and studies various aspects of behavior for their own sake.

In summary, Logic is a normative science that focuses on the principles of correct reasoning and the attainment of truth, while Psychology is a positive science that studies behavior, including thinking, feeling, and willing.

### 3.2. Deductive and Inductive Logic (நிகழ்நிலை & தொகுப்பாய்வு தர்க்கம்)

Deductive logic and inductive logic are two fundamental types of reasoning.

**Deductive Logic:** Deductive logic is concerned with reasoning from general principles to specific conclusions. It involves using established premises or axioms to derive new knowledge or reach a certain conclusion. In deductive reasoning, if the premises are true and the argument is valid, the conclusion must also be true.

**நிகழ்நிலை தர்க்கம் (Deductive Logic)** என்பது பொது கோட்பாடுகள் அடிப்படையில் குறிப்பிட்ட முடிவுகளுக்கான தர்க்கத்தைப் பற்றி காணப்படுகின்றது. அதாவது, நிர்ணயிக்கப்பட்ட அடிப்படைகளை அல்லது நியதிகளை (premises or axioms) பயன்படுத்தி புதிய அறிவை அல்லது ஒரு குறிப்பிட்ட முடிவை அடைய முற்படுவது. நிகழ்நிலை தர்க்கத்தில், அடிப்படைகள் உண்மையாக இருந்தால் மற்றும் ஆவணங்கள் சரியாக இருந்தால், முடிவும் உண்மையாகவே இருக்கும்.

**For example:**

**Premise 1:** All men are mortal.

**Premise 2:** Socrates is a man.

**Conclusion:** Therefore, Socrates is mortal.

In this deductive argument, the conclusion follows necessarily from the given premises.

**Inductive Logic:** Inductive logic is concerned with reasoning from specific observations or evidence to general conclusions. It involves making generalizations or predictions based on patterns observed in particular instances. Inductive reasoning allows for uncertainty, as the conclusion is not guaranteed to be true even if the premises are true.

**Inductive Logic (தொகுப்பாய்வு தர்க்கம்)** என்பது குறிப்பிட்ட குறிப்புகளை பொதுவான முடிவுகளாக மாற்றும் தர்க்கத்தை குறிக்கின்றது. இது குறிப்பிட்ட நிகழ்வுகளில் காணப்படும் முறைமைகளைக் கொண்டு பொதுவான முடிவுகளை உருவாக்குகின்றது. நிகழ்நிலை தர்க்கத்தை ஒப்பிடும்போது, தொகுப்பாய்வு தர்க்கத்தில் பெறப்படும் முடிவுகள் சாத்தியமானவை, ஆனால் அவை அவசியமாக உண்மையானவை அல்ல. முடிவின் வலிமை ஆதாரத்தின் வலிமையைப் பொறுத்தது.

**For example:**

**Observation 1:** Every cat I have seen so far has a tail.

**Observation 2:** The cat in front of me is also expected to have a tail.

**Conclusion:** Therefore, all cats have tails.

In this inductive argument, the conclusion is based on probability rather than certainty. It is possible that there may exist cats without tails, but based on available evidence, it is reasonable to make this generalization.

1. Inductive Logic is about generalizing from specific observations.
2. It allows for uncertainty in conclusions, which may not be guaranteed true even if the premises are correct.
3. The strength of an inductive conclusion is based on the strength of the evidence.

### 3.3. Syllogism (முக்கோண தர்க்கம்)

A syllogism is a type of deductive argument consisting of two premises and a conclusion. It follows a specific structure where two premises lead to a logical conclusion. Syllogism is indeed a part of deductive reasoning. It is a specific form of logical argument where a conclusion is drawn from two given or assumed premises, one of which is a general statement (major premise) and the other a specific statement (minor premise).

**Syllogism:** Specific form of deductive reasoning with a structured argument consisting of a major premise, a minor premise, and a

conclusion. The correct Tamil term for syllogism would be முக்கோண தர்க்கம் (Mukkōṇa Tarkkam). This term accurately reflects the structured argument consisting of a major premise, a minor premise, and a conclusion.

The appropriate Tamil term for syllogism is முக்கோண தர்க்கம் rather than பிரிப்பு வாதம்.

முக்கோண தர்க்கம் effectively describes the structured logical argument that consists of a major premise, a minor premise, and a conclusion, reflecting the three-part nature of a syllogism.

### **Etymology (சொல்லியல்):**

The word "syllogism" comes from the Greek word "syllogismos" (συλλογισμός), which is derived from:

"syllogizesthai" (συλλογίζεσθαι), meaning "to infer" or "to conclude." The root "logizesthai" (λογίζεσθαι), which means "to reason." The prefix "syn-" (σύν), meaning "together."

### **Components:**

Syllo-: This part can be understood as "together" or "with," indicating a unifying or combining action.

-gism: This suffix is related to reasoning or a type of logical process.

### **"Syllogism" and the Suffix "-ism":**

Syllogism: The term "syllogism" derives from the Greek word "syllogizesthai" (συλλογίζεσθαι), meaning "to infer" or "to conclude." It indicates a form of reasoning involving a conclusion drawn from two premises.

-ism: The suffix "-ism" is used to form nouns indicating a practice, system, or philosophy. It often signifies a belief, action, or condition. In Tamil, this can be translated to "வாதம்" or "தத்துவம்".



So, a syllogism (நிகழ்நிலை தர்க்கம் / குறுக்குவாதம்) is a reasoning process that concludes a specific result from general premises.

**A syllogism typically consists of three categorical propositions:**

**1. Major Premise (முதன்மை மூலக் கருத்து):** A general statement that sets the framework for the argument. வாதத்தின் அடிப்படையை அமைக்கும் பொது கருத்து.

**2. Minor Premise (குறிப்பு / குறுபிட்ட மூலக் கருத்து):** A specific statement related to the major premise. முதன்மை வாதத்துடன் தொடர்புடைய சிறப்பு கருத்து.

**3. Conclusion (முடிவு / தீர்மானம்):** The logical consequence drawn from the major and minor premises. முதன்மை மற்றும் குறிப்பு வாதங்களில் இருந்து பெறப்பட்ட தர்க்கச் முடிவு.

### **3.3.1. Rules of syllogism (முக்கோண தர்க்கத்தின் விதிகள்)**

#### **Introduction of Syllogism:**

In the last chapter, we considered some of the forms of immediate inference. The various forms of immediate inference show that there are different ways in which the same truth can be expressed. That is, if the given statement is true, then without changing its meaning, we can express it in other forms of propositions as well. But this is not all. There is also another kind of inference, as we have already seen in the first chapter, which requires a mediation fact to connect the subject and predicate. Based on this relation, the predicate is either affirmed or denied of the subject in the conclusion. The whole argument is known as a syllogism. We have also seen that the parts of a syllogism are the major premise, the minor premise, and terms. These major and minor terms are the predicate and the subject of the conclusion. In the premises, there is also another term known as the middle term, which supplies the mediating fact. If we form the syllogism now, we have:

**M a P:** All men are mortal.

**S a M:** Socrates is a man.

**S a P:** Socrates is mortal.

In this syllogism:

Man = Middle term (M)

Socrates = Minor term (S)

Mortal = Major term (P)

Representing the syllogism symbolically, we have:

**M a P:** Major Premise (All men are mortal)

**S a M:** Minor Premise (Socrates is a man)

**S a P:** Conclusion (Socrates is mortal)

This symbolic representation helps to clearly see the structure of the argument and how the premises lead to the conclusion. Since all the three propositions are universal affirmative propositions.

These three propositions that are the parts of a syllogism can be any one of the three kinds of proposition, viz., categorical, hypothetical and disjunctive. First let us consider that which is made up of purely categorical propositions. Such a syllogism is known as a categorical syllogism. It is necessary that any such arrangement of propositions with the purpose of drawing a conclusion which is true, must be governed by rules and laws. The categorical syllogism is governed by eight such rules which are as follows:—

### **Rules of Syllogism**

#### **A. Rules relating to the structure of the syllogism**

1. A syllogism must contain three and only three terms.
2. A syllogism must contain three and only three propositions

## **B. Rules relating to quantity**

1. The middle term must be distributed in one, at least, of the premise.
2. No term must be distributed in the conclusion which is not distributed in the premise.

## **C. Rules relating to quality**

1. From two negative premises there can be no conclusion, i.e., one at least of the premises must be affirmative.
2. If one premise is negative, the conclusion must be negative, and if the conclusion is negative one premise must be negative.

## **D. Rules which follow from to above rules**

1. From two particular premises there can be no conclusion.
2. If one premise is particular, the conclusion must be particular.

## **Explanation of the above rules.**

### **The First Two Rules of Syllogism:**

#### **1. Three and Only Three Propositions:**

Explanation: A syllogism is an argument in which, from given propositions, we infer a third proposition. Hence, there must be only three propositions. If there are more than three, it implies multiple syllogisms; if fewer than three, it doesn't form a syllogism at all.

#### **2. Three and Only Three Terms:**

Explanation: A syllogism compares two terms with a common third term (the middle term). The major term is either affirmed or denied of the minor term in the conclusion based on the middle term. If there are more than three terms, no such comparison is possible, leading to

invalid syllogisms. Ambiguities, such as using the same term with different meanings, can also result in invalid syllogisms. For instance:

**Example:**

**Premise 1:** The end of a thing is its perfection.

**Premise 2:** Death is the end of life.

**Conclusion:** Therefore, death is the perfection of life.

**Analysis:** Here, "end" is used first as "goal" and then as "termination," resulting in an ambiguous middle term. This leads to four terms instead of three, invalidating the syllogism.

By adhering to these rules, we ensure that the syllogism is logically sound and free from ambiguities.

### **3. Third Rule: Distribution of the Middle Term**

The middle term in a syllogism must be distributed at least once across the premises. This rule is essential for ensuring the validity of the syllogism, as the entire structure depends on the middle term. It is crucial that the middle term encompasses its full scope at least once in the premises. Failure to do so can lead the major term to connect to a different aspect of the middle term than the minor term, making it impossible to validly correlate the major and minor terms.

#### **Illustration of the Rule**

**Figure 1:** In this figure, the minor term (S) does not connect with the major term (P) because they pertain to different sections of the middle term (M).

**Figures 2 & 3:** These figures illustrate that unless the middle term (M) is fully referenced in relation to either (S) or (P), we cannot determine any relationship between (S) and (P).

## Practical Example

**Premise 1:** All men are mortal.

**Premise 2:** All monkeys are mortal.

**Invalid Conclusion:** Therefore, all monkeys are men.

This conclusion is absurd because the middle term, "mortal," is not adequately distributed. The major term refers to one aspect of the middle term (applying to men), while the minor term corresponds to a completely different aspect (applying to monkeys). Consequently, the middle term fails to establish the necessary connection between the premises, leading to an invalid conclusion.

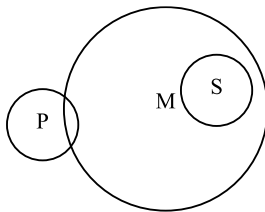


Figure 1

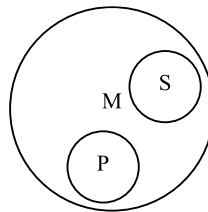


Figure 2

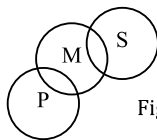


Figure 3

**When** the middle term is not distributed even once, incorrect conclusions are the result. The middle term must be clearly defined and appropriately referenced in at least one of the premises to ensure valid syllogistic reasoning.

## 4. Fourth Rule:

Explanation of the Fourth Rule of Syllogism

**Fourth Rule:** This rule has two parts related to the distribution of terms in the premises and conclusion:

#### **a) Minor Term Distribution:**

**Rule:** The minor term should not be distributed in the conclusion unless it is distributed in its premise.

**Fallacy:** If this rule is broken, it leads to the fallacy known as "Illicit Process of the Minor Term" or simply "illicit minor."

**Reason:** We cannot make a universal statement about a minor term if only part of it is referenced in the premise.

#### **Example of Illicit Minor:**

**Major Premise (M a P):** All men are mortal.

**Minor Premise (M a M):** All men are rational.

**Conclusion (M a P):** All rational beings are men.

In this syllogism, we improperly infer that all rational beings are men, which is a fallacy because the term "rational" is not distributed in the minor premise.

#### **b) Major Term Distribution:**

**Rule:** The major term should not be distributed in the conclusion unless it is distributed in its premise.

**Fallacy:** If this rule is broken, it leads to the fallacy known as "Illicit Process of the Major Term" or simply "illicit major."

**Reason:** We cannot make a universal statement about a major term if only part of it is referenced in the premise.

#### **Example of Illicit Major:**

**Major Premise:** All cruel men are cowards.

**Minor Premise:** No college men are cruel.

**Conclusion:** No college men are cowards.

Here, the major term "cowards" remains undistributed in the premise while it is distributed in the conclusion, leading to an invalid syllogism.

**Note:** The fallacy occurs when more of a term is taken in the conclusion than is referred to in the premise. However, if the terms are distributed in their premises and undistributed in the conclusion, there is no fallacy.

By ensuring terms are properly distributed, we maintain logical consistency and avoid drawing incorrect conclusions.

## **5. Fifth Rule:**

From two negative premises, no conclusion can be reached.

**Reason:** In a negative statement, the predicate is always denied of the subject either wholly or partly. If both premises are negative, it means that both the major term and the minor term are excluded from the middle term. Hence, we cannot conclude anything about the relation between the major and minor terms. Negative statements do not provide a basis for inference. Therefore, at least one premise must be affirmative.

### **Examples of Negative Premises:**

#### **Example #1:**

**Premise 1:** Anger is not good.

**Premise 2:** Calmness is not anger.

**Conclusion:** (Invalid) No conclusion can be drawn regarding whether calmness is good or not.

#### **Example #2:**

**Premise 1:** Cats are not dogs.

**Premise 2:** Fish are not cats.

**Conclusion:** (Invalid) No conclusion can be drawn regarding whether fish are dogs or not.

### **Example #3:**

**Premise 1:** Water is not hot.

**Premise 2:** Ice is not water.

**Conclusion: (Invalid)** No conclusion can be drawn regarding whether ice is hot or not.

**Special Case:** Sometimes premises appear to be negative while they are not truly negative in meaning.

### **Examples of Misleading Negative Premises:**

#### **Example #1:**

**Premise 1:** Whatever substance is not a compound, is an element.

**Premise 2:** Gold is a substance that is not a compound.

**Conclusion:** Gold is an element.

#### **Example #2:**

**Premise 1:** Any animal that is not a mammal, is a bird.

**Premise 2:** A snake is an animal that is not a mammal.

**Conclusion:** A snake is a bird.

This conclusion is logically flawed because the premises contain a misleading negative assumption. The premise incorrectly assumes that any animal that is not a mammal must be a bird, which is not accurate.

In this example, both premises seem negative, but upon closer examination, neither of them is negative. They can be restated to show that they are actually affirmative in meaning.

By ensuring that at least one premise is affirmative, we can draw valid conclusions and avoid the pitfalls of negative premises leading to no inference.

### **6. Sixth rule:**

If one premise is negative, the conclusion must also be negative.



**Reason:** In a syllogism, the middle term appears in both premises. If one premise is negative, it means that one of the major or minor terms agrees with the middle term while the other does not. Consequently, the minor and major terms do not agree with each other, leading to a negative conclusion.

**Example:**

**Premise 1:** No men are perfect.

**Premise 2:** X is a man.

**Conclusion:** X is not perfect.

Here, the negative premise (No men are perfect) excludes the major term "perfect" from the middle term "man." The affirmative premise (X is a man) connects the minor term with the middle term. As a result, the conclusion is negative, indicating that the minor and major terms (X and perfect) are not related.

**Negative Premise and Conclusion Relationship:** If the conclusion is negative (S-P), one of the premises must also be negative. The exclusion of P from S in the conclusion must stem from the premises, which is only possible if one premise is negative.

**Illustration:**

**Premise 1:** No men are perfect. (Negative premise)

**Premise 2:** X is a man. (Affirmative premise)

**Conclusion:** X is not perfect. (Negative conclusion)

This rule ensures logical consistency, maintaining that a negative conclusion follows from at least one negative premise and avoids contradictions in the argument.

## **7. Seventh rule:**

From two particular premises, no conclusion is possible.

**Reason:** This rule follows as a consequence of the previously discussed rules. There are two types of particular propositions: I (particular affirmative) and O (particular negative). When used in syllogisms,

these premises can form four possible combinations: II, IO, OI, and OO.

**Combination OO:** Not possible due to the fifth rule, which states that no conclusion can be drawn from two negative premises.

**Combination II:** Invalid because it does not distribute any term. According to the third rule, the middle term must be distributed at least once in the premises.

### **Analysis of Combinations IO and OI:**

In both IO and OI, only one term is distributed, which is the predicate of O. This term must be the middle term as per the third rule. Consequently, neither the major term nor the minor term is distributed.

Since one of the premises is negative, the conclusion must also be negative (sixth rule). In a negative conclusion, the predicate (the major term) must be distributed. However, since only one term can be distributed in the premises (the middle term), the major term is not distributed in the premise, leading to the fallacy of illicit major (breaking the fourth rule).

### **Example of Fallacious Reasoning:**

**Premise 1 (O):** Some men are not rational.

**Premise 2 (I):** Some men are mortal.

**Conclusion: (Invalid)** No valid conclusion can be drawn due to the illicit major fallacy.

### **Types of Propositions:**

**O Proposition:** A particular negative proposition, which states that some members of a subject class are not members of a predicate class.

**Example:** Some men are not rational.

**I Proposition:** A particular affirmative proposition, which states that some members of a subject class are members of a predicate class.

**Example:** Some men are mortal.

#### **Summary of All Four Types:**

**A Proposition:** Universal Affirmative (Positive) (All S are P)

**Example:** All men are mortal.

**E Proposition:** Universal Negative (No S are P)

**Example:** No men are rational.

**I Proposition:** Particular Affirmative (Some S are P)

**Example:** Some men are mortal.

**O Proposition:** Particular Negative (Some S are not P)

**Example:** Some men are not rational.

**Conclusion:** From two particular propositions, no conclusion can be drawn because the distribution requirements for the middle, major, and minor terms cannot be satisfied simultaneously. This ensures logical consistency and prevents invalid reasoning.

#### **8. Eighth rule:**

If one premise is particular, the conclusion must also be particular.

**Reason:** This rule can be examined by considering the different combinations of premises:

#### **Combinations of Premises:**

**AO and OA:** These combinations have two distributed terms—the subject of A and the predicate of O. One of these must be the middle term, leaving only one distributed term, which can be either the major or minor term.

**Negative Premises:** Since one premise is negative, the conclusion must also be negative (Rule 6). Negative premises distribute their

predicates, meaning the negative conclusion will distribute its predicate, the major term.

To avoid the fallacy of "illicit major," the major term must be distributed in its premise. Consequently, the middle and major terms are distributed in the premises, while the minor term remains undistributed. This implies that the subject of the conclusion cannot be distributed, making it a particular proposition.

#### **Example of Combination AO or OA:**

**Major Premise (A):** All A are B.

**Minor Premise (O):** Some C are not B.

**Conclusion: (Invalid)** No valid conclusion can be drawn due to the "illicit major" fallacy.

#### **Combination EI:**

**Major Premise (E):** No "A" is "B".

**Minor Premise (I):** Some "C" is 'B'.

**Conclusion:** A negative conclusion requires that the major term be distributed in its premise. However, an I proposition (particular affirmative) does not distribute any term, leading to an invalid conclusion.

#### **Invalidity of Particular Combinations:**

From these combinations (AO, OA, EI), valid conclusions cannot be drawn as they violate the distribution rules.

#### **Conditions for a Valid Syllogism:**

A syllogism consists of three terms, with the middle term appearing in both premises. This setup leads to four possible arrangements, known as the figures of the syllogism, based on the middle term's position.

**Figure 1:** Middle term (M) as subject in the major premise and predicate in the minor premise.

**Figure 2:** Middle term as predicate in both premises.

**Figure 3:** Middle term as subject in both premises.

**Figure 4:** Middle term as predicate in the major premise and subject in the minor premise.

These figures determine how the terms are structured within the logical argument.

By adhering to these rules, we ensure the logical structure and validity of the syllogism.

Figure 1	Figure 2	Figure 3	Figure 4
M-P	P-M	M-P	P-M
S-P	P-M	M-S	M-S
$\sim$ S-P	$\sim$ S-P	$\sim$ S-P	$\sim$ S-P

In the first figure the middle term is subject in the major premise and predicate in the minor premise.

In the second figure the middle term is predicate in both the premises.

In the third figure the middle term is subject in both the premises.

In the fourth figure the middle term is predicate in the major premise and subject in the minor premise.

**Explanation of Moods in Syllogism: Mood of the Syllogism:**

A syllogism consists of three propositions: a major premise, a minor premise, and a conclusion.

Each proposition can be one of four forms: A (universal affirmative), E (universal negative), I (particular affirmative), and O (particular negative).

The combination of these forms in a syllogism is referred to as its "mood."

### **Possible Moods:**

Since each of the three propositions can be any one of the four forms, the total number of possible moods is calculated as  $4^3 = 64$ . This means there are 64 possible ways to combine the forms to create different syllogisms.

### **Determining Valid Moods:**

To determine which of these 64 moods are valid, we examine the combinations of the premises.

In each syllogism, there are two premises, and each premise can take any one of the four forms. Thus, we get  $4 \times 4 = 16$  possible combinations of premises.

### **Forms of Propositions:**

**A:** Universal Affirmative (All S are P)

**E:** Universal Negative (No S are P)

**I:** Particular Affirmative (Some S are P)

**O:** Particular Negative (Some S are not P)

### **Valid Syllogism Combinations:**

The 16 combinations of premises need to be evaluated to determine valid conclusions based on the syllogistic rules we discussed earlier.

### **Combination Examples:**

**AA (Both premises are universal affirmative):**

**Major Premise:** All A are B.

**Minor Premise:** All B are C.

**Conclusion:** All A are C. (Valid)

**AE (Universal affirmative and universal negative):**

**Major Premise:** All A are B.

**Minor Premise:** No B are C.

**Conclusion:** No A are C. (Valid)

## II (Both premises are particular affirmative):

**Major Premise:** Some A are B.

**Minor Premise:** Some B are C.

**Conclusion:** No valid conclusion. (Invalid)

By analyzing these combinations, we can determine which moods lead to valid syllogisms and which do not, ensuring the logical consistency of our arguments.

AA	EA	IA	OA
AE	EE	IE	OE
AI	EI	II	OI
AO	EO	IO	OO

Some of these combinations will not be correct according to the rules of the syllogism. We know that from the negative premises no conclusion is possible; hence the combinations ES, EO, Oe, and OO are to be ruled out. From two particular premises no inference can be drawn; hence the combinations II, IO and OI are invalid. As we have already seen the combination IE does not lead to a valid conclusion. After all the combinations are removed, there are eight valid ones left over;

AA	EA	IA	OA
AE	-	-	-
AO	EO	-	-
AO	-	-	-

When these combinations are used in the four figures, we get nineteen valid moods in all- four in the first figure, four in the second, six in the third, and five in the fourth figure. These moods are represented by code words which show the combination of the premises.

### **Figure I Moods:**

The moods of Figure I in syllogistic logic include Barbara, Celarent, Darii, and Ferioque. In Barbara (AAA), the major premise states that all A are B, the minor premise states that all C are A, leading to the conclusion that all C are B. In Celarent (EAE), the major premise states that no A are B, the minor premise states that all C are A, leading to the conclusion that no C are B. In Darii (AII), the major premise states that all A are B, the minor premise states that some C are A, leading to the conclusion that some C are B. Finally, in Ferioque (EIO), the major premise states that no A are B, the minor premise states that some C are A, leading to the conclusion that some C are not B. These moods reflect different logical structures within the first figure of syllogism, each defined by the specific arrangement of premises and conclusion.

### **Figure II Moods:**

The moods of Figure II include Cesare, Camestres, Festino, and Baroco. In Cesare (EAE), the major premise states that no A are B, the minor premise states that all C are B, leading to the conclusion that no C are A. In Camestres (AEE), the major premise states that all A are B, the minor premise states that no C are B, leading to the conclusion that no C are A. In Festino (EIO), the major premise states that no A are B, the minor premise states that some C are B, leading to the conclusion that some C are not A. Finally, in Baroco (AOO), the major premise states that all A are B, the minor premise states that some C are not B, leading to the conclusion that some C are not A. These moods display the diverse logical forms within the second figure of syllogism.

### **Figure III Moods:**

The moods of Figure III are Darapti, Disamis, Datisi, Felapton, Bocardo, and Ferison. In Darapti (AAI), the major premise states that all A are B, the minor premise states that all C are A, leading to the conclusion that some C are B. In Disamis (IAI), the major premise states that some A are B, the minor premise states that all C are A, leading to the conclusion that some C are B. In Datisi (AII), the major premise states



that all A are B, the minor premise states that some C are A, leading to the conclusion that some C are B. In Felapton (EAO), the major premise states that no A are B, the minor premise states that all C are A, leading to the conclusion that some C are not B. In Bocardo (OAO), the major premise states that some A are not B, the minor premise states that all C are A, leading to the conclusion that some C are not B. In Ferison (EIO), the major premise states that no A are B, the minor premise states that some C are A, leading to the conclusion that some C are not B. These moods illustrate the logical variations within the third figure of syllogism.

#### **Figure IV Moods:**

The moods of Figure IV include Bramantip, Camenes, Dimaris, Fesapo, and Fresison. In Bramantip (AAI), the major premise states that all A are B, the minor premise states that all B are C, leading to the conclusion that some C are A. In Camenes (AEE), the major premise states that all A are B, the minor premise states that no B are C, leading to the conclusion that no C are A. In Dimaris (IAI), the major premise states that some A are B, the minor premise states that all B are C, leading to the conclusion that some C are A. In Fesapo (EAO), the major premise states that no A are B, the minor premise states that all B are C, leading to the conclusion that some C are not A. Finally, in Fresison (EIO), the major premise states that no A are B, the minor premise states that some B are C, leading to the conclusion that some C are not A. These moods reflect the unique logical structures within the fourth figure of syllogism.

Each figure's moods illustrate different logical relationships based on the position and nature of the premises and conclusions. I

The vowels contained in each word signify the quality and quantity of the three propositions of the syllogism. Thus, in Barbara, the three propositions are all universal second figure whose propositions are EAE.

## Hypothetical and Disjunctive Syllogisms

So far, we've been diving into categorical syllogisms. But guess what? Syllogisms aren't just limited to those—they can include hypothetical and disjunctive propositions too! We explored two types of hypothetical propositions in the last chapter:

1. If A is B, C is D
2. If A is B, A is C

Here, the first part that starts with "If" is the antecedent (the condition), and the second part is the consequent (what follows).

In the two forms of hypothetical propositions, the first form features different subjects for the antecedent ("A") and the consequent ("C"). In contrast, the second form has the same subject ("A") for both. Both the antecedent and the consequent can be either affirmative or negative. For example, the first form can vary to include: "If A is not B, C is D," "If A is B, it is not D," and "If A is not B, C is not D."

Hypothetical propositions offer flexibility, allowing for multiple logical structures. Unlike categorical propositions where the quality is shown by the copula, hypothetical propositions focus on the relationship between the antecedent and the consequent, regardless of whether they are affirmative or negative. The key function is to affirm that if the condition in the antecedent exists, the consequent will follow.

In categorical propositions, the focus is on individuals or groups, with predicates either belonging to the subject universally or partially, indicating quantity (universal or particular). However, hypothetical propositions don't concern themselves with such quantitative differences; they are solely about the relationship between the antecedent and the consequent, focusing on qualities rather than quantities.

The disjunctive propositions are also given in two forms: (1) A is either B or C. (2) Either A is B or C is D. Regardless of the form in which the disjunctive propositions are given, the principle of disjunction is the same. It always gives us the alternatives of any system and makes use of the words 'either-or'. For example, 'Signal lights are either red or

green.' But the alternatives given need not be only two, as in the above example.

There may be many more alternatives, as in the example, 'Triangles are either equilateral, isosceles, or scalene'.

From this passage, it seems that there are some grammatical errors and missing punctuation. I will attempt to correct them and add proper punctuation to improve readability:

From this, it is clear that in disjunctive propositions, there is neither quantity nor quality. The principle of disjunction gives us the alternatives of any system; hence, it is always positive. There can also be no quantity here because there is no reference to any individuals. But the disjunctive has a condition. That is, the alternatives of a disjunction must be mutually exclusive and exhaustive.

If we take the example 'A is either B or C', the alternatives B and C must tell us all that there is to be known about A, both positive and negative.

This is what is meant by saying that the alternatives must be exhaustive. Also, the alternatives A and B must be completely different from each other, and they must not have any fact in common between them. For example, in the proposition 'Signal lights are either green or red', within the system of signal lights, a green light completely excludes the red light. Hence, the alternatives here are mutually exclusive.

### **Hypothetical Syllogism**

In syllogistic arguments, hypothetical and disjunctive propositions can replace categorical ones. Here's a concise look at a hypothetical syllogism:

**Major Premise (Hypothetical Proposition):** If A is B, C is D.

**Minor Premise (Categorical Proposition):** A is B.

**Conclusion (Categorical Proposition):** Therefore, C is D.

This structure shows how a hypothetical major premise combines with a categorical minor premise to lead to a categorical conclusion. This is a common form used in logical arguments involving hypothetical statements.

**Example of Hypothetical Syllogism:**

**Major Premise:** If he is in New Delhi, he will visit the India Gate.

**Minor Premise:** He is in New Delhi.

**Conclusion:** Therefore, he will visit the India Gate.

In a hypothetical syllogism, the rule is to either affirm the antecedent or deny the consequent. Here's the breakdown:

**Structure:**

**Major Premise (Hypothetical):** Contains an antecedent and a consequent.

**Minor Premise (Categorical):** Either affirms the antecedent or denies the consequent.

**Conclusion (Categorical):** Formed based on the minor premise.

**Rules:**

1. If the minor premise affirms the antecedent, the conclusion will affirm the consequent.
2. If the minor premise denies the consequent, the conclusion will deny the antecedent.

**Example:**

**Major Premise:** If he is in New Delhi, he will visit the India Gate. **Minor Premise:** He is in New Delhi.

**Conclusion:** Therefore, he will visit the India Gate.

This structure shows how the logical connection works, ensuring that the argument is coherent and valid.

### Example 1:

**Major Premise:** If it rains, he will be wet. **Minor Premise:** It rains.

**Conclusion:** Therefore, he will be wet.

Here, the minor premise affirms the antecedent, leading to an affirmative conclusion about the consequent.

### Example 2:

**Major Premise:** If it rains, the roads will be wet. **Minor Premise:** The roads are not wet. **Conclusion:** Therefore, it has not rained.

In this case, the minor premise denies the consequent, leading to the conclusion that the antecedent did not occur.

### Example 3:

**Major Premise:** If it snows, the roads will be slippery.

**Minor Premise:** It is snowing.

**Conclusion:** Therefore, the roads will be slippery.

### Example 4:

**Major Premise:** If the alarm is set, it will ring at 6 AM.

**Minor Premise:** The alarm did not ring at 6 AM.

**Conclusion:** Therefore, the alarm was not set.

The rule is based on the idea that the antecedent is just one possible cause for the consequent, not the only one. For example, heat can come from electric current, burning coal, wood, or sunshine. If any of these causes are present, heat will be produced. Therefore, if the antecedent (one of the causes) is present, we can say the consequent (heat) is also present. However, if the antecedent is absent, we cannot definitely say the consequent will also be absent because other factors could still produce it. For instance, if electric current is not present, heat might still be produced by burning coal or sunshine. Similarly, the presence of the consequent does not necessarily mean the specific antecedent is present, as other causes might be

responsible for the same effect. This demonstrates that we cannot solely rely on the presence or absence of one condition to make definitive conclusions.

So now we see the reason for the rule of the hypothetical syllogism, which says that either the antecedent should be affirmed or the consequent be denied. Here, affirming means stating what is given in the major premise. Applying this rule, we have two types of hypothetical syllogisms: one in which the minor premise affirms the antecedent and the other in which the minor premise denies the consequent. These two are known as Modus ponens and Modus tollens or the constructive hypothetical syllogism (modus ponens) and the destructive hypothetical syllogism (modus tollens). Symbolically, these two forms are:

**Modus Ponens:**

**Major Premise:** If A is B, C is D.

**Minor Premise:** A is B.

**Conclusion:** Therefore, C is D.

**Example:**

**Major Premise:** If it is sunny, we will go to the beach.

**Minor Premise:** It is sunny.

**Conclusion:** Therefore, we will go to the beach.

**Modus Tollens:**

**Major Premise:** If A is B, C is D

**Minor Premise:** C is not D

**Conclusion:** Therefore, A is not B

**Example:**

**Major Premise:** If it is sunny, we will go to the beach.

**Minor Premise:** We are not going to the beach.

**Conclusion:** Therefore, it is not sunny.

In disjunctive propositions, there is no quantity or quality since they provide alternatives within a system and are always positive. They don't refer to specific individuals, so quantity isn't applicable. However, the alternatives in a disjunction must be mutually exclusive and cover all possibilities. For example, in "A is either B or C," B and C must represent all that can be known about A, including both positive and negative aspects.

This is what is meant by saying the alternatives must be exhaustive. Also, the alternatives A and B must be completely different from each other, and they must not have any fact in common between them.

For example, in the proposition 'Signal lights are either green or red', in the system of signal lights, if there is a green light, it completely excludes the red light. Hence, the alternatives here are mutually exclusive.

Hypothetical and disjunctive propositions can replace categorical ones in syllogistic arguments. Let's focus on hypothetical syllogisms. Its general symbolic form is:

**Major Premise (Hypothetical Proposition):** If A is B, C is D.

**Minor Premise (Categorical Proposition):** A is B.

**Conclusion (Categorical Proposition):** Therefore, C is D.

**For example:**

**Major Premise:** If she is in Chennai, she will attend the conference.

**Minor Premise:** She is in Chennai.

**Conclusion:** Therefore, she will attend the conference.

In a hypothetical syllogism, the rule is to **either affirm the antecedent or deny the consequent**. The major premise, being hypothetical, consists of two parts: the antecedent and the consequent. The minor premise, which is categorical, must either affirm the antecedent or deny the consequent of the major premise. Based on this, the conclusion is formed. If the minor premise affirms the antecedent, the conclusion will affirm the consequent. Conversely, if the minor

premise denies the consequent, the conclusion will deny the antecedent.

### **Structure of Hypothetical Syllogism**

**Major Premise (Hypothetical):** If A is B, C is D.

**Minor Premise (Categorical):** A is B.

**Conclusion:** Therefore, C is D.

### **Example of Hypothetical Syllogism**

**Major Premise:** If it rains, he will be wet.

**Minor Premise:** It rains.

**Conclusion:** Therefore, he will be wet.

In this example, affirming the antecedent (it rains) leads to affirming the consequent (he will be wet).

### **Another example:**

**Major Premise:** If it rains, the roads will be wet.

**Minor Premise:** The roads are not wet.

**Conclusion:** Therefore, it has not rained.

Here, denying the consequent (roads are not wet) leads to denying the antecedent (it has not rained).

### **Modus Ponens and Modus Tollens:**

The rule of hypothetical syllogisms is based on the idea that the antecedent is just one possible cause for the consequent, not the only one. For example, heat can be produced by electric current, burning coal, wood, or sunshine. So, if any of these causes are present, heat will follow. If the antecedent is present, we can say the consequent is also present. However, the absence of the antecedent doesn't guarantee the absence of the consequent, as other factors could still produce it. For instance, if electric current is absent, heat might still be produced by burning coal or sunshine. Similarly, the presence of



the consequent doesn't necessarily mean the specific antecedent is present since other causes might be responsible.

These two forms of hypothetical syllogisms are known as Modus Ponens (affirming the antecedent) and Modus Tollens (denying the consequent).

#### **Modus ponens:**

**Major Premise:** If A is B, C is D.

**Minor Premise:** A is B.

**Conclusion:** Therefore, C is D.

#### **Example:**

**Major Premise:** If it rains, the roads will be wet.

**Minor Premise:** It rains.

**Conclusion:** Therefore, the roads are wet.

#### **Modus tollens:**

**Major Premise:** If A is B, C is D.

**Minor Premise:** C is not D.

**Conclusion:** Therefore, A is not B.

#### **Example:**

**Major Premise:** If he is in New Delhi, he will call me.

**Minor Premise:** He has not called me.

**Conclusion:** Therefore, he is not in New Delhi.

#### **Understanding the Rule**

The antecedent is just one possible cause of the consequent. For example, heat can come from electricity, burning coal, wood, or sunshine. If one of these is present, heat will be produced. However, the absence of the antecedent doesn't guarantee the absence of the consequent, as other conditions might still produce it. Similarly, the

presence of the consequent doesn't necessarily mean the specific antecedent is present.

Applying these rules, Modus Ponens and Modus Tollens help us logically determine conclusions based on the given premises. These forms highlight the importance of understanding the conditions and how they relate to the outcomes.

### **Exceptions to Hypothetical Syllogism**

While generally, the antecedent is one of several possible conditions for the consequent, there are exceptions. If the antecedent is the only condition for the consequent, we can infer the absence of the consequent from the absence of the antecedent and vice versa.

#### **Example #1:**

**Major Premise:** Only if a triangle is equilateral, it is equiangular.

**Minor Premise:** This triangle is not equilateral.

**Conclusion:** Therefore, this triangle is not equiangular.

#### **Example #2:**

**Major Premise:** Only if it is a magnet, it will attract iron.

**Minor Premise:** This bit of iron is attracted.

**Conclusion:** Therefore, this bit of iron is a magnet.

These exceptions require careful examination to ensure the antecedent is an essential and necessary condition.

### **Disjunctive Syllogism**

A disjunctive syllogism involves a major premise that is a disjunctive proposition, a minor premise that is a categorical proposition, and a conclusion that is another categorical proposition. The disjunctive proposition typically takes the form "Either A is B or C is D," with alternatives A is B and C is D.

**Structure:**

**Major Premise (Disjunctive):** Either A is B or C is D.

**Minor Premise (Categorical):** A is not B.

**Conclusion (Categorical):** Therefore, C is D.

In this structure, if the minor premise denies one alternative, the conclusion affirms the other.

These logical frameworks help understand and construct valid arguments by examining the relationships between different premises and conclusions.

**Example #1:**

**Major Premise (Disjunctive):** Either she will study tonight or she will go to the party.

**Minor Premise (Categorical):** She will not study tonight.

**Conclusion (Categorical):** Therefore, she will go to the party.

This example shows how a disjunctive syllogism works, with the minor premise denying one alternative, leading to the conclusion that the other alternative must be true.

**3.4. Proposition (வாக்கியம்)**

A proposition is a statement or assertion that can be either true or false. It is the basic building block of logical reasoning. Propositions can be simple or compound.

**Simple Proposition (எளிய வாக்கியம்):** A simple proposition is a statement that cannot be further divided into simpler statements. It expresses a single idea and can be either true or false.

**Examples:**

1. "The sun rises in the east."
2. "Water boils at 100 degrees Celsius."

**Compound Proposition (கூட்டு வாக்கியம்):** A compound proposition is formed by combining two or more simple propositions using logical operators such as “and,” “or,” and “not.” Compound propositions can also be evaluated as true or false based on the truth values of their component propositions.

**Examples:**

1. “It is raining, and the ground is wet.”
2. “Either I will go to the party, or I will stay home.”

**3.5. Distribution of Terms (பொருளின் பகிர்வு)**

In logic, the distribution of terms refers to whether a term refers to all members of a class (distributed) or only some members (undistributed). Understanding term distribution is important for evaluating the validity of syllogistic arguments.

There are three types of terms:

**1. Distributed Subject:** A term is considered distributed when it refers to all members of a class.

**Example:** “All cats are mammals.” In this proposition, the term “cats” is distributed because it refers to all members of the class “cats.”

**2. Distributed Predicate:** A term is considered distributed when it refers to all that can be predicated of a class.

**Example:** “No dogs are reptiles.” In this proposition, the term “reptiles” is distributed because it refers to all that can be predicated of the class “reptiles.”

**3. Undistributed Term:** A term is considered undistributed when it does not refer to all members of a class.

**Example:** “Some birds can fly.” In this proposition, the term “birds” is undistributed because it does not refer to all members of the class “birds.”

### 3.6. Fallacies (பிழைகள் / தவறுகள்)

#### **Introduction:**

The purpose of logic is to provide us with valid principles of thinking. Correct thinking is essential to reach accurate conclusions, achieved by adhering to the laws of systematic reasoning. Logic establishes the rules and standards for proper thinking. It is crucial to know not only what is right but also to recognize what is wrong. Incorrect inferences are known as fallacies, which are conclusions that claim to be valid but violate the principles of reasoning.

#### **Types of Thinking:**

##### **Deductive Reasoning:**

Starts with general, universal judgments and uses them to reason about the truth of specific statements. Involves deriving the truth of the specific statement from the given universal.

**Example:** "All men are mortal. Socrates is a man. Therefore, Socrates is mortal."

##### **Inductive Reasoning:**

Arrives at a universal truth based on observations.

**Example:** Observing that all observed swans are white and concluding that all swans are white. Both forms of thinking are governed by laws. When these laws are violated, fallacies occur. This discussion will focus on the fallacies of deductive reasoning.

#### **1. Deductive Fallacies (வழக்கறிதல் தவறுகள்)**

Deductive Fallacies are errors in reasoning that occur when the logical form of an argument is invalid. These fallacies lead to conclusions that do not logically follow from the premises, even if the premises are true, thereby invalidating the entire argument.

## **Types of Deductive Fallacies:**

### **a) Formal Fallacies:**

**Definition:** Occur when the forms of inference are incorrect.

#### **Types:**

**Immediate Inference:** Directly derives a conclusion from a single premise.

**Mediate Inference:** Derives a conclusion from multiple premises.

**Explanation:** These fallacies arise when the rules governing the forms of inference are not followed.

### **b) Material Fallacies:**

**Definition:** Occur when the contents of a syllogism are absurd, even if the form is valid.

**Explanation:** These fallacies happen due to incorrect usage or interpretation of words in the premises, or premises assuming truths that should not be assumed.

#### **Etymology:**

**Deductive:** This refers to the logical process of reasoning from general principles to specific conclusions. In Tamil, "Deductive Reasoning" can be translated as "வழக்கறிதல்" (Vazhakkarithal).

**Fallacies:** These are errors in reasoning that invalidate an argument. In Tamil, "Fallacies" can be translated as "தவறுகள்" (Thavargal).

Combining these, the Tamil term for "Deductive Fallacies" is "வழக்கறிதல் தவறுகள்" (Vazhakkarithal Thavargal).

a) **Formal fallacies** (நடைமுறை தவறுகள்):

1. **Immediate Inference Fallacies** (உடனடி கருத்தறிதல் தவறுகள்):

**Observation and Conversion:**

When the rules of observation and conversion are not followed, we get illogical inferences.

**Example:**

**Incorrect Conversion:** From the proposition "Honesty is always a good policy", concluding "Dishonesty is always a bad policy" is a wrong inference.

**Fallacy in Conversion:** The proposition "All men are mortal" should be converted per accidens, meaning it should convert to "Some mortals are men", instead of "All mortals are men", which is incorrect because not all mortals are men.

2. **Mediate Inference Fallacies** (இடைநிலை கருத்தறிதல் தவறுகள்):

These fallacies occur when the rules of the syllogism are violated in mediate inference.

By understanding and avoiding these formal fallacies, we ensure our logical reasoning remains valid and sound.

The term "**Mediate Inference Fallacies**" and its equivalent Tamil term:

**Mediate:** This refers to something that occurs through an intervening process or step. In Tamil, "Mediate" can be translated as "இடைநிலை" (Idainilai).

**Inference:** This refers to the process of drawing a conclusion from premises or evidence. In Tamil, "Inference" can be translated as "கருத்தறிதல்" (Karutharithal).

**Fallacies:** These are errors in reasoning that invalidate an argument. In Tamil, "Fallacies" can be translated as "தவறுகள்" (Thavargal).

Combining these, the Tamil term for "Mediate Inference Fallacies" is "இடைநிலை கருத்தறிதல் தவறுகள்" (Idainilai Karutharithal Thavargal).

### 3. Quaternio Terminorum or the fallacy of four terms (நான்கு குறிப்புகளின் தவறுகள்):

The first rule of the syllogism states that a syllogism must contain three and only three terms. When this rule is not followed, we have the fallacy of four terms

#### Example #1:

**Premise 1:** Cultured men are reasonable

**Premise 2:** Logicians are wise-men

**Premise 3:** Logicians are reasonable

#### Example #2:

**Premise 1:** All roses are flowers.

**Premise 2:** Some people are kind.

**Conclusion:** Some people are flowers.

This argument, although in the form as syllogism, is not a syllogism at all, since the premises contain four terms which have nothing in common between them. In some cases, the four terms will not be so differently and clearly stated. The same word may be used with different meanings.

#### For example:

**Premise 1:** Gold can be expelled by heat

**Premise 2:** Shiva's illness is cold

**Conclusion:** Shiva's illness can be expelled by heat



Here the word cold is used the two senses. First as showing temperature condition and second as an illness. So, although the argument looks like a good syllogism, it is not so as it has four terms. Just like this, even the major and minor terms may have double meaning, in which are the fallacy will be Quaternion Terminorum.

#### 4. Undistributed middle (பகிரப்படாத நடு வார்த்தை):

The third rule of the syllogism says that the middle term must be distributed in one, at least, of the premises. When this is not observed, the fallacy of undistributed middle arises.

**For example,**

**Premise 1:** All Punjabis are Indians

**Premise 2:** All Bengalis are Indians

**Conclusion** All Bengalis are Punjabis

The argument is fallacious because the middle term 'Indians' is not distributed even once. The middle term should be such that it relates the minor and the major terms and this it will not be able to do if it is undistributed in both the premises.

#### 5. Illicit major (தவறான பெரிய கருத்து):

The fourth rule of the syllogism says that no term must be distributed in the conclusion which is not distributed in the premise, If the major term is distributed in the conclusion and not in its premise, it means we are inferring more from the less. It is called illicit process of the major term or shortly illicit major.

**Example:**

**Premise 1:** All rational beings are responsible people

**Premise 2:** Brutes are not rational beings

**Conclusion:** Brutes are not responsible people.

## 6. Illicit minor (தவறான சிறிய கருத்து):

This fallacy also occurs when the fourth rule is broken. This happens when the minor term remains undistributed in its premise and becomes distributed in the conclusion.

### Example:

**Premise 1:** All generous people are loved by the poor

**Premise 2:** All generous people are polite

**Conclusion:** All polite people are loved by the poor.

Here are the minor term 'polite people', which as the predicate of an A proposition is undistributed, becomes distributed in the conclusion. This is a fallacy if illicit process of the minor term or shortly illicit minor.

## 7. Negative premises (எதிர்மறை மூலக் கருத்து):

The fifth rule of the syllogism says that from two negative premises there can be no conclusion. When this rule is broken, we have the fallacy of two negative premises.

### Example:

Anger is not good

Calmness is not anger

From these two negatives, we cannot draw any conclusion.

## 8. Particular Premises (குறிபிட்ட மூலக் கருத்து):

The seventh rule states that from two particular premises there can be no conclusion.

**Premise 1:** Some Asians are Indians

**Premise 2:** Some Asians are Chinese

**Conclusion:** Some Chinese are Indians

Here, since the middle term remains undistributed, the conclusion does not follow from the premises.

## 9. Denying the Antecedent (முன்னமைப்புப் பிரிவை மறுப்பு):

This is a fallacy in hypothetical reasoning. In a hypothetical proposition, the antecedent is only one of the conditions. Because it is absent, we cannot say the consequent also must be absent for the consequent may have other conditions. Hence the rule: Affirm the antecedent. Instead of doing this, if the antecedent is denied in the minor premise, the syllogism will be fallacious. Such a fallacy is known as the fallacy of denying the antecedent.

**For example:**

**Major Premise:** If my friend is in need, he would come to me

**Minor Premise:** He is not in need

**Conclusion:** He will not come to me

In Modus Tollens, we deny the consequent based on the minor premise, leading to the conclusion that the antecedent is not true. For example, if my friend is in need, he would come to me; he is not in need; therefore, he will not come to me. However, this reasoning can be flawed because "being in need" might not be the only condition for him to come. Just like if there is fire, there is heat, but heat does not necessarily mean there is fire. Thus, just because he is not in need does not mean he won't come for other reasons, making the conclusion potentially invalid.

## 10. Affirming the consequent (பின்னமைப்புப் பிரிவை உறுதி கூறுதல்):

This is the other fallacy in hypothetical reasoning which occurs when the minor premise affirms the consequent.

**For example,**

**Major Premise:** If there is rain, he will not go out

**Minor Premise:** He has not gone out

**Conclusion:** There is rain.

Here again the antecedent is only one of the reasons and not the only reason. Rain is a cause of the person not going out, but it is not the only cause, for he may not go out on account of other reasons also. Hence this a fallacy of affirming the consequent.

#### 10. Improper Disjunction (முறையற்ற பிரித்தல்):

The condition of a disjunctive syllogism is that the alternatives must exclude each other and that they must together exhaust all possible alternatives. When this is not so, we have an improper disjunction which is the fallacy of disjunctive syllogism.

##### Example 1:

**Major Premise:** He will either pass in the first class or fail.

**Minor Premise:** He has passed in the first class.

**Conclusion:** Therefore, he has not failed.

This is improper, because there are other ways of passing also such as passing with a second class or a third class. So the disjunction does not give all the alternatives. Hence it is a fallacious argument.

Similarly,

**Major Premise:** He is either an orator or a musician.

**Minor Premise:** He is an orator

**Conclusion:** He is not a musician.

Here the alternatives are not exclusive of each other. A man can be both an orator and a musician. Hence such argument is also fallacious.

#### b) Material fallacies (ஆவணப் பிழை)

The term "**Material Fallacies**" and its equivalent Tamil term:

##### Material Fallacies

**Material:** Refers to the content or substance of an argument. In Tamil, "Material" can be translated as "ஆவணம்" (Avanam).

## **Fallacies:**

These are errors in reasoning that invalidate an argument. In Tamil, "Fallacies" can be translated as "பிழைகள்" Combining these, the Tamil term for "Material Fallacies" is "ஆவணப் பிழை வாதம்" (Aavanap Pizhai Vaatham).

An argument may be correct in form, and still may be invalid. This is because the matter of the syllogism is wrong.

### **For example,**

All men are monkeys  
X is a man  
X is a monkey.

Here, though the form of the syllogism satisfies all the rules, still it is not a valid syllogism because the meaning is nonsensical. There are two important principles of logical reasoning which should not be violated, if materially the argument is to be correct. The first principle is that the terms used in an argument should not be ambiguous. That is, the terms should not be doubtful in their meaning. The second principle is that what is to be proved, must be proved strictly from the premises. Nothing that is not given in the premises must be assumed or taken for granted. If the first rule is broken, we have the following fallacies.

### **1. Fallacy of ambiguous and shifting terms (தெளிவற்ற மற்றும் மாறும் வாதங்களின் பிழை):**

The term "Fallacy of Ambiguous and Shifting Terms" and its equivalent Tamil term:

### **Fallacy of Ambiguous and Shifting Terms**

**Fallacy:** Errors in reasoning that invalidate an argument. In Tamil, "Fallacy" can be translated as "தவறு" (Thavaru) or "பிழை வாதம்" (Pizhai Vaatham).

**Ambiguous:** Refers to something that can be understood in more than one way or is unclear. In Tamil, "Ambiguous" can be translated as "தெளிவற்ற" (Thelivatra).

**Shifting Terms:** Refers to the change or shift in the meaning of terms within an argument. In Tamil, "Shifting" can be translated as "மாறும்" (Maarum) and "Terms" as "வாதங்கள்" (Vaathangal) or "குறிப்புகள்" (Kurippugal).

Combining these, the Tamil term for "Fallacy of Ambiguous and Shifting Terms" is "தெளிவற்ற மற்றும் மாறும் வாதங்களின் பிழை வாதம்" (Thelivatra Matrum Maarum Vaathangalin Pizhai Vaatham).

Here the various terms of the syllogism are used in an ambiguous manner.

For example, He who is most hungry eats most,  
He who eats least is most hungry,  
He who eats least eats most.

In this example since the meaning of words used is not definitely fixed. We arrive at an absurd conclusion. Such a fallacy can also be included under the formal fallacy of four terms. When the same term is used with different meanings in the syllogism, it becomes a syllogism with four terms.

## 2. Fallacy of composition (தொகுப்பு பிழை):

The fallacy of composition occurs when an argument mistakenly treats words that should be considered separately as a whole. It involves moving from a statement about individual members of a class (distributive) to a statement about the class as a whole (collective).

**For example:**

**Distributive Use:** "All the players on the team are skilled."

**Collective Use:** "Therefore, the team as a whole is skilled."

Here, the term "all" can be misleading because it implies that what is true for individual members (each player) is also true for the group as a whole (the team), which might not be the case. This error happens when a word is used in a distributive sense first and then in a collective sense.

Fitting Tamil term for the "Fallacy of Composition" could be: தொகுப்பு பிழை வாதம் (Thokuppu Pizhai Vaatham)

**For example,**

**Premise 1:** All the angles of a triangle are less than two right angles

**Premise 2:** A, B, and C are all the angles of this triangle

**Conclusion:** A, B, and C are less than two right angles.

Here the word 'all' is used in the major premise in the distribute sense, and in the minor in a collective sense. Another example of this fallacy is 'A regiment of a hundred men is composed of soldiers who are all six feet high; therefore, the whole regiment is six hundred feet high'.

### 3. Fallacy of Division (பிரிவு பிழை வாதம்):

This is the opposite of the fallacy of composition. Words which must be taken together are here taken separately. For example, "Hindus and Muslims are men and brethren. Therefore, Hindus are men and Muslims are men and brethren. That is, the fallacy of division occurs when we pass from a statement about the class considered collectively to the same statement about every member of the class taken distributive.

#### Example of the Fallacy of Composition

**Premise 1:** All the books in the library cannot be read in a week.

**Premise 2:** "War and Peace" is a book in the library.

**Conclusion:** Therefore, "War and Peace" cannot be read in a week.

#### 4. Fallacy of Accident (தற்செயல் பிழை வாதம்):

This fallacy has two forms (a) the direct or simple fallacy of accident and (b) the converse fallacy of accident.

(a) The direct fallacy of accident consists in arguing that what is true as a general rule is true also under special circumstances. For example, 'What is bought in the market is eaten: raw meat is bought in the market; therefore, raw meat is eaten.'

(b) This is the opposite of the direct fallacy of accident. It consists in arguing that what is true under special circumstances is true also generally. For example, 'When a person is ill, staying in bed is good for his health. Therefore, staying in bed is always good'.

When the second rule concerning the matter of the syllogism is broken, we get certain fallacies. 'That is, when the conclusion that is drawn is not strictly based on the premises, we have the following fallacies.

#### 5. Petitio Principle or begging the question (மூலக்கருத்தை மனதின் முடிவிலே கொள்வது):

The term "Petitio Principii" and "Begging the Question" and their equivalent Tamil term:

1) **Petitio Principii:** This is a Latin term where "Petitio" means "petition" or "request," and "Principii" means "of the principle" or "of the beginning."

2) **Begging the Question:** This refers to a logical fallacy where the conclusion of an argument is assumed in the premises. Essentially, the argument circles back on itself without providing proof.

In Tamil, "Begging the Question" can be translated as "கேள்வியை எழுப்புதல்" (Kelviyai Ezhupputhal) or "மூலக்கருத்தை மனதின் முடிவிலே கொள்வது" (Moolakaruthai Manathin Mudivilae Kolvathu).



Combining these, the Tamil term for "Petitio Principii" or "Begging the Question" can be translated as "மூலக்கருத்தை மனதின் முடிவிலே கொள்வது" (Moolakaruthai Manathin Mudivilae Kolvathu).

Here we assume the conclusion in the premises. We prove the conclusion by premises which can be proved by the conclusion by premises which can be proved by the conclusion itself. For example, 'Virtue is right; to give to beggars is a virtue; therefore, to give to beggars is right'. Here the conclusion is only a restatement of the minor premise. The major premise is a repetition; because to call charity a virtue and to call it right are the same. And so, to say that to give to beggars is a virtue is not to prove that it is right. Another form of this fallacy is where we argue in a circle. Two propositions are used, each in turn, to prove the other. For example.

'I should not tell a lie, because I know that I should not tell lies'

So, we must be always careful to see that the conclusion is not assumed in the premises and that the conclusion must always follow the premises.

**(1) Ignoratio Elenchi or irrelevant conclusion (சம்பந்தம் இல்லாத முடிவு):**

There are several forms of this, but we shall examine only two of them.

**(a) Argumentum ad hominem:** Argumentum ad hominem occurs when the discussion shifts from addressing the proposition or argument itself to attacking the character of the person making the argument.

**Example:** "This man followed the principle of non-violence all these days, now he wants to follow violent methods to put down riots. So we cannot follow him."

Here, instead of debating the merit of using violence under certain circumstances, the focus is on the perceived inconsistency in the man's character, making it a flawed argument.

**(b) Argumentum ad Verecundiam:** Argumentum ad verecundiam, or an appeal to authority, involves citing the opinion of an authority figure or long-established custom as the primary reason for accepting or rejecting a proposition, rather than presenting logical arguments or evidence.

**Example:** "We must agree to a proposal because so and so approves of it."

In this case, the reliance on an authority's endorsement, rather than substantive reasoning, constitutes this logical fallacy.

**(2) Non-Sequitur (தொடர்ச்சி இல்லாத முடிவு):**

This is otherwise known as the fallacy of false cause, non-cause pro cause. It is committed whenever the conclusion does not follow from the premises.

**Example:** "Australians usually win cricket test matches in India. Therefore, Indians must be a civilized people."

Here, although there is a form of argument, it is not correct. The conclusion does not follow from the given statement. Hence, the argument contains the fallacy of non-sequitur.

**(3) Inductive fallacies (தொகுப்பாய்வு பிழைவாதம் அல்லது தவறுகள்)**

Up until now, we've been exploring fallacies that arise in deductive reasoning. Let's turn our attention to some fallacies associated with inductive reasoning. Induction is the method by which we derive universal statements by analyzing specific instances. This process is tightly regulated by the principle of causation. Various methods are employed to arrive at such universals, including enumeration, observation, analogy, and explanation. Scientific induction is

characterized by the establishment of an unquestionable causal relationship between two phenomena. Each of these methods can be prone to incorrect applications. We'll examine these fallacies one by one.

**(i) Based on enumeration (எண்ணிக்கை அடிப்படையில்):** we have two fallacies. (1) Perfect Induction (2) Simple enumeration

**a. Perfect Induction (சிறந்த தொகுபாய்வு):** At times, we draw conclusions using a method called complete enumeration, also known as "perfect induction." For instance, after thoroughly reviewing a list of members, I might conclude that all of them are Hindu. However, this method of reaching a conclusion may not be entirely satisfactory. The conclusion derived through "perfect induction" is not the result of generalization, as there is no inductive leap involved.

**b. Simple Enumeration (எளிய எண்ணிக்கை):** Often, our generalizations are based on incomplete or simple enumeration. We observe a number of instances and then make a broad statement that applies not only to the observed cases but also to the unobserved ones. For example, after seeing several black crows, we might generalize that "all crows are black." However, this type of generalization is not well-founded, as it lacks the analysis needed to explain why crows should be black. It can be easily disproven by a single contradictory instance, making the conclusion uncertain and unreliable.

**c. Errors of Observation (கண்ணோட்டத் தவறுகள்):** Observation involves counting and examining instances to see if they support or help build a theory. During this process, it's easy to overlook instances that contradict our hypotheses. We often focus on facts that support our theories while ignoring those that don't. This mistake is known as non-observation. For example, people who believe the number thirteen is unlucky will cite instances where the number was linked to failure or disaster. However, they intentionally omit cases where the number thirteen was present but no disaster occurred. This selective observation is called non-observation.

Sometimes, we also misinterpret facts so as to suit the theory which we want to prove. Such wrong observation is known as mal-observation. A person who is always afraid of snakes will see a snake in anything that has got that shape. Such misinterpretation of facts is a fallacy of observation.

**Fallacies of Analogy (ஒப்பீட்டுத் பிழைகள்):** When words are misused in metaphors, we encounter fallacies of analogy. This happens when we draw conclusions about facts that appear similar in many ways. For example, comparing the city to the heart and the country to the body, and then concluding that if the heart is diseased, the body also suffers, so if the city is bad, the country is bad. This reasoning error comes from the metaphorical use of 'heart' and 'body'.

Another form of unsound analogy is failing to distinguish between essential and non-essential properties. Sound analogy compares only the essential points. For instance, a child observes that a dog wags its tail when pleased and concludes that a cat must be pleased when it wags its tail. This analogy is flawed because the resemblance is not essential.

**Fallacies of Explanation (விளக்கத்தின் பிழை):** There are two important fallacies of explanation:

**a. The fallacy of non-observation** may also be said to be a fallacy of explanation known as hasty generalization. Sufficient number of instances are not observed. Negative instances are omitted from the enumeration and a generalization is arrived at. Such a generalization, as it does not cover all instances, is known as hasty generalization or illicit generalization.

**b. A second error of explanation** is in mistaking as cause and effect what merely follow each other. This fallacy is known as post hoc ergo propter hoc or the fallacy of false cause. One form of it we have already discussed as a non-sequitur. To argue that 'A is because of C since it is after C' is fallacious. For example, to say that since night follows day, day is the cause of night, is an absurd argument which commits the fallacy of post hoc propter hoc.

## **Conclusion (முடிவுரை)**

We have come to the close of our study of the fundamentals of logic. The nature of thought, the principle that govern its processes, the mistakes in reasoning that we most commonly make when we stray away from the path of truth—these and other related topics have been discussed. Thinking is what each one of us is intimately concerned with. Even without our knowledge we employ logical principles in our daily conversation and arguments. The science of logic appears difficult and strange at first. But when once its principles are understood, we realize that we have been using them, however imperfectly, in our commonest thoughts and expression.

Fallacies are errors in reasoning that can lead to invalid or unsound arguments. They often involve mistakes in logic, language, or reasoning processes. Fallacies can be used intentionally or unintentionally and can undermine the credibility and validity of an argument.

**Some common fallacies include:**

- 1. Ad Hominem Fallacy:** Attacking the person making an argument instead of addressing the argument itself.
- 2. Straw Man Fallacy:** Misrepresenting or exaggerating an opponent's argument to make it easier to attack.
- 3. Appeal to Authority Fallacy:** Relying on the opinion or authority of someone who may not be an expert in the relevant field.
- 4. False Dilemma Fallacy:** Presenting only two options when there are more possibilities or alternatives.
- 5. Circular Reasoning Fallacy:** Using the conclusion as one of the premises in an argument.

By recognizing fallacies, we can identify weaknesses in arguments and strive for more logical and valid reasoning.

## Unit 4 (இயல் 4) Essays (கட்டுரைகள்)

### 4.1. Format of Essay Writing on topic of Legal Interest

Essays are a common form of academic and personal writing that require a well-structured format to effectively convey ideas and arguments. Here is a general format of essay writing under 200 words, with paragraph headings and an explanation of each section:

#### Introduction (50 words)

1. Introduce the topic and provide context
2. State the main argument or thesis
3. Provide an overview of the essay structure

#### Body Paragraph 1 (50 words)

1. Discuss the first point supporting the argument
2. Use evidence, examples, or quotations to support the point
3. Conclude the paragraph with a smooth transition to the next point

#### Body Paragraph 2 (50 words)

1. Discuss the second point supporting the argument
2. Use evidence, examples, or quotations to support the point
3. Conclude the paragraph with a smooth transition to the next point.

#### Body Paragraph 3 (50 words)

1. Discuss the third point supporting the argument
2. Use evidence, examples, or quotations to support the point
3. Conclude the paragraph with a smooth transition to the conclusion

## **Conclusion (50 words)**

1. Restate the main argument or thesis
2. Summarize the key points discussed in the body
3. Provide a final thought or recommendation

## **4.2. Write Essay on Fundamental Rights**

**Title:** Fundamental Rights: The Pillars of India's Constitution

### **Introduction:**

Fundamental Rights are the bedrock of any democratic society, providing citizens with essential protections and freedoms. In the Indian Constitution, these rights are enshrined in Part III, from Articles 12 to 35. This essay explores the significance and impact of Fundamental Rights in India, highlighting their role in upholding the principles of justice, equality, and liberty.

### **Body:**

**1. Right to Equality:** The Right to Equality, as stated in Articles 14 to 18, ensures that all individuals are treated equally before the law. It prohibits discrimination based on religion, race, caste, sex, or place of birth. This right is crucial for promoting social harmony and justice in a diverse country like India.

**2. Right to Freedom:** The Right to Freedom, guaranteed by Articles 19 to 22, empowers citizens with various freedoms.

It encompasses freedom of speech and expression, freedom of assembly, freedom of movement, freedom of association, and freedom of profession. These rights not only facilitate individual growth but also foster a vibrant democracy.

**3. Right against Exploitation:** Articles 23 and 24 provide for the Right against Exploitation. They prohibit human trafficking, forced labor, and child labor. These rights ensure the protection and welfare of



vulnerable sections of society, combating social evils and promoting a just society.

**4. Right to Freedom of Religion:** India's Constitution grants its citizens the Right to Freedom of Religion through Articles 25 to 28. This right allows individuals to freely practice, profess, and propagate any religion of their choice. It upholds the principle of secularism and promotes religious harmony in a diverse society.

**5. Cultural and Educational Rights:** Articles 29 and 30 safeguard the Cultural and Educational Rights of minorities. They aim to protect the language, script, and culture of different communities. Additionally, Article 30 guarantees the right of minorities to establish and administer educational institutions of their choice.

**6. Right to Constitutional Remedies:** The Right to Constitutional Remedies, as enshrined in Article 32, provides individuals the power to approach the Supreme Court for the enforcement of their Fundamental Rights. It acts as a safeguard against any infringement of these rights and ensures their effective implementation.

### **Conclusion:**

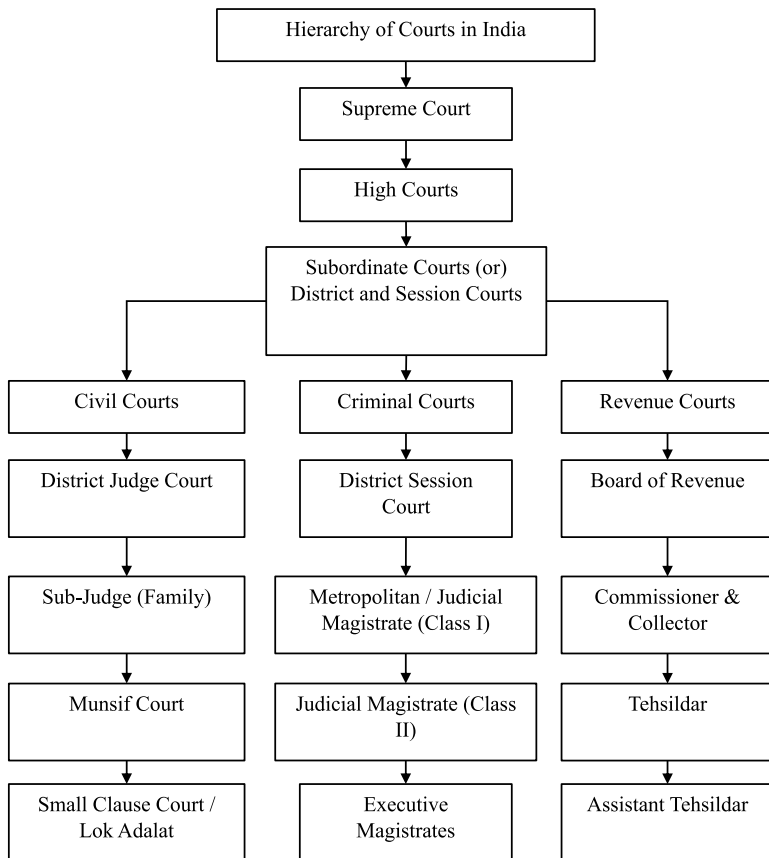
Fundamental Rights form the foundation of India's Constitution, ensuring that citizens are granted essential freedoms and protections. These rights promote social justice, equality, and liberty for all individuals, regardless of their background. They have played a vital role in shaping India's democratic fabric and upholding the principles of justice and fairness. As citizens, it is our responsibility to cherish and protect these rights, as they are the pillars that sustain our democracy.

## GENERAL KNOWLEDGE

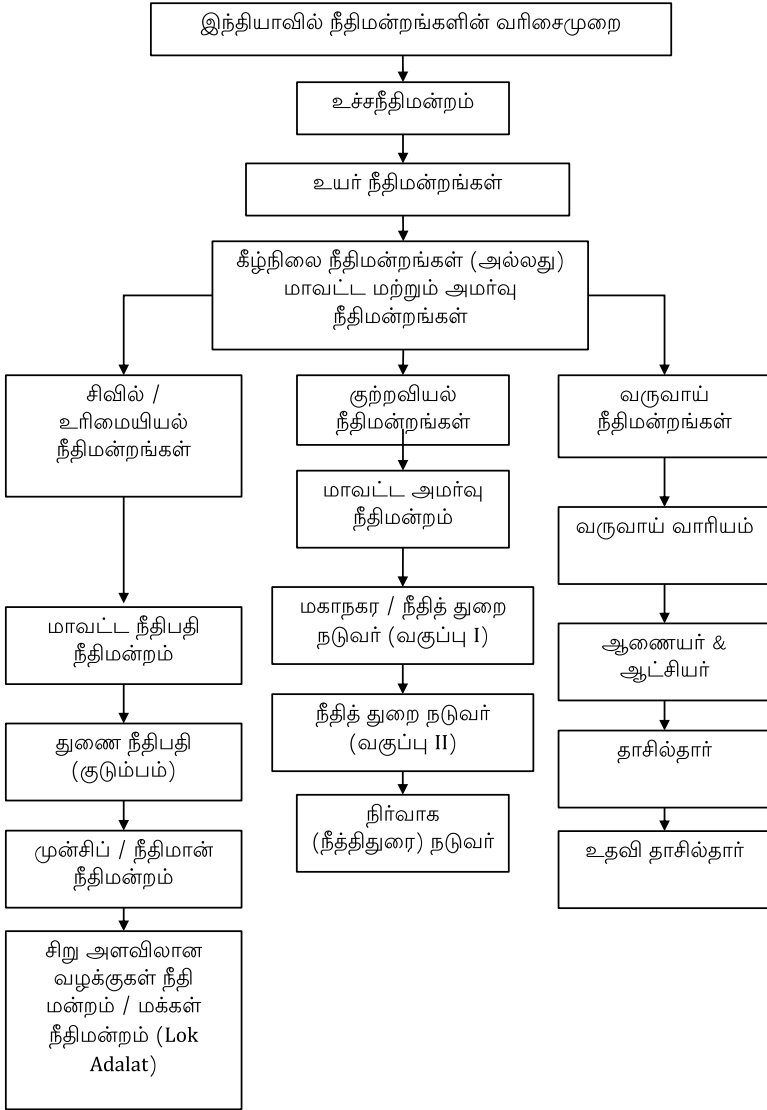
### COURTS WITH CIVIL AND CRIMINAL JURISDICTION IN INDIA

In India, there courts are classified into three types according to the Constitution,

(1) Supreme Court (2) High Courts (3) Subordinate Courts (or) District Courts



**Figure #16: Hierarchy of Courts in India**



**Figure #17 (Tamil): Hierarchy of Courts in India**

***Thank You!***

***Rakhesh Jaghadish Lakshmanan***